

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
APRIL 12, 1996, IN THE ELLIOTT ROOM,
UNIVERSITY CLUB, MARVIN CENTER

The last meeting of the 1995-96 Session was called to order by President Trachtenberg at 2:20 p.m.

Present: President Trachtenberg, Interim Vice President Salamon, Registrar Selinsky, Parliamentarian Keller; Deans Caress, Fowler and Frieder; Professors Boswell, Brewer, Captain, Darr, Elgart, Englander, Griffith, Gupta, Hague, Johnston, Kahn, Park, Pelzman, Robinson, Seavey, Silber, Smith, Solomon, Straw, Tropea, Vontress and Yezer

Absent: Deans Friedenthal, Futrell, Harding, and Keimowitz; Professors Castleberry, Harrald, and Kimmel

TRIBUTE IN MEMORIAM

Professor Hill, on behalf of the Faculty Senate, read a "TRIBUTE TO THE MEMORY OF PROFESSOR EMERITUS RODERIC H. DAVISON," who passed away March 23, 1996. Professor Davison was a founding member of the then (1961) University Senate. The Senate observed a moment of silence. (A copy of the Tribute is attached and made a part of these minutes.)

President Trachtenberg noted that upon the death of Professor Davison, he sent a note to Professor Lois Schwoerer and Professor Howard Sachar who had called upon him to suggest that Professor Davison receive an honorary doctorate degree, which was subsequently awarded to Professor Davison in 1994. This suggestion, he said, was one of the best that he had ever received for honorary degrees, and he wished to take this opportunity to enter into the minutes of the Senate a standing invitation to faculty for similar initiatives in the future. While it was altogether appropriate for the University to honor alumni and individuals of accomplishment from different walks of life, the President said that it was equally appropriate, if not even more so, to periodically look to our own--the faculty of our institution itself.

Before proceeding to the next item of business on the agenda, President Trachtenberg asked if there were any objections to changing the order by taking up Item 8. (a) Nomination for Election of the Executive Committee for the 1996-97 Session as the next item of business. The reason for the change, he explained, was that

Professor Lawrence E. Mitchell, Chair of the Nominating Committee, had to leave the meeting early. No objections were made to changing the order of the agenda.

NOMINATIONS FOR ELECTION OF THE EXECUTIVE COMMITTEE FOR THE 1996-97 SESSION

On behalf of the Nominating Committee, Professor Mitchell, Convener, presented the following nominations for election to the Executive Committee for the 1996-97 Session: Professor John G. Boswell (GSEHD), as Chair; Professors Hugh L. Agnew (ESIA), Mary Diane Brewer (CSAS), Walter K. Kahn (SEAS), Frank J. Slaby (SHMS), Lewis D. Solomon (GWLS), and Philip W. Wirtz (SBPM) as the other six members.

No nominations were made from the floor, and the entire slate was approved.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of March 8, 1996, were approved as distributed.

OLD BUSINESS

I. RESOLUTION 95/8, "A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT"

On behalf of the Joint Committee of Faculty and Students, Professor Tropea, Faculty Co-Chair moved consideration of a revised draft of the Code of Student Conduct dated April 1, 1996, as a substitute, and the motion was seconded.

Professor Tropea informed the Senate that the latest draft was in response to a number of comments submitted to the Joint Committee, and he thanked, in particular, Professors Griffith, Gupta, Robinson, and Smith for their recommendations. Professor Tropea then called on Scott Mory, Student Co-Chair of the Joint Committee, to review major changes in the document.

Mr. Mory reported that a number of the suggested changes to the Code had been accepted by the Joint Committee and incorporated in the latest draft of the Code. He highlighted eight of these changes that he thought would be of particular interest to the Senate, as follows:

Section 11 k., 3, page 5: The Code of Student Conduct was cross-referenced with the Code of Academic Integrity to explain the difference between academic dishonesty and other forms of

dishonesty covered by the Code of Student Conduct.

Section 11 t, page 6: The definition of Disorderly Conduct was strengthened so that it would more clearly define prohibited conduct. This section was also rewritten to incorporate several previously separate items in the first draft of the Code.

Section 13, page 7: In accordance with the Senate's amendment of the Code at its March 8, 1996, meeting, the term "mandatory minimum" in the sanctions section was changed to "recommended minimum."

Section 20, page 10: Because of a new self-governance policy adopted by the Greek community, the Greek Judicial Board was eliminated from the Code of Student Conduct. Both the Interfraternity Council and the Panhellenic Association were consulted when this change was made.

Sections 25 and 26, page 12: The language concerning compelling the attendance of witnesses has been changed; instead, reasonable efforts to secure the attendance of witnesses will be undertaken. Also added was a section explaining that it is expected that information provided to the Hearing Board by witnesses will be true and correct, and that the Hearing Board will follow up on any instance involving the provision of inaccurate information.

Section 32, page 15: The appeals process has been broadened to encompass all cases handled under the Code of Student Conduct, rather than restricting appellate review solely to cases resulting in a suspension or expulsion, as before. However, appeals can only be based on new information relevant to a case which was not presented at a conference or hearing.

Section 25 e), page 12: The phrase in parentheses stating that appeals do not apply has been stricken to conform to the change in Section 32 above.

Section 26 n), page 14: Hearing Boards will not only serve as fact-finding bodies as set forth in the first Code proposal, but they will also recommend a sanction to the Assistant Dean of Students. The Assistant Dean of Students may only alter a recommended sanction if it is completely at variance with other similar cases.

Professor Vontress asked Mr. Mory to clarify Section 11 v) of the Code pertaining to discrimination. He wondered how the Judicial Committee or Hearing Board should interpret that section. Mr. Mory replied that he thought the intent was to provide for a more serious sanction in cases where an offense included an

element of prejudice or illegal discrimination. Discrimination would be an aggravating factor in determining the sanction for other violations of the Code. Dean Donnels pointed out that the University has channels other than the Code of Student Conduct for considering instances of discrimination apart from violations of the Code.

Professor Silber then sought to amend Section 11 u) (Hazing) of the Code, so that it would be clear that this section pertained to actions by organizations, not individuals. He reminded the Senate that he had made this suggestion at the March 8th Senate meeting and assumed that his comments would be incorporated in the new draft, but they had not been. Professor Silber's amendment was ruled out of order by the Parliamentarian, after which Mr. Mory pointed out that the Code is a living document which could be amended by the Senate at a later time when such amendments were in order.

Professor Griffith pointed out to Mr. Mory that he had suggested that it might be useful to clarify and make explicit the Hearing Board's mission and authority in the Code. Since this Code was a draft, he said, perhaps it could be slightly amended to reflect this suggestion if, in fact, omitting this clarification were an oversight on the Joint Committee's part. Mr. Mory responded that he would make this suggestion to University Legal Counsel when the document goes forward, and that it might be possible to add clarifying language as an editorial change at that stage in the review process. Professor Griffith added that he thought that most of the changes recommended by the Faculty Senate appeared to have been made in the document and he thanked the Joint Committee for its care in responding to the Senate's discussion of the Code.

The question was called, and Resolution 95/8 was adopted. The President then thanked Mr. Mory for a very industrious piece of work over the past two years. (Resolution 95/8, with substitute Code of Student Conduct, is attached.)

RESOLUTIONS

I. RESOLUTION 95/9, "A RESOLUTION ON THE POLICY ON PATENTS AND SCHOLARLY WORKS"

On behalf of the Committee on Research, Professor Hague, Chair, moved the adoption of Resolution 95/9, and the motion was seconded. Professor Hague said that a Draft Policy on Patents and Scholarly Works had been forwarded to the Research Committee during the fall semester of last year. The Committee had received some comments and concerns from the faculty about the proposed Policy which the Committee thoroughly considered. A copy of the revised Policy, as well as an edited copy of the draft Policy, reflecting

the changes proposed, were distributed to the Senate. Professor Hague strongly recommended approval of this Policy by the Senate.

Professor Englander said that the edited copy of the Policy, showing the changes, was very helpful and he commended Vice President Lehman for preparing that version. Professor Hague thanked the Office of the Vice President for its support, and the President said he appreciated the work of Professor Hague and the Research Committee.

The question was called, the motion put, and Resolution 95/9 was adopted. (Resolution 95/9, with Policy on Patents and Scholarly Works is attached.)

INTRODUCTION OF RESOLUTIONS

I. RESOLUTION 95/10, "A RESOLUTION ON THE ROLE OF THE FACULTY IN THE ADDITION, REVISION, OR ELIMINATION OF CURRICULAR OFFERINGS"

Professor Boswell said that he would like to introduce "A Resolution on the Role of the Faculty in the Addition, Revision, or Elimination of Curricular Offering," copies of which had been distributed to the Senate prior to this meeting. Parliamentarian Keller stated that under the Faculty Organization Plan, introduction of a resolution not on the agenda would require a 2/3rd's vote of the Senate members present and voting, or half of the entire Faculty Senate, whichever number was greater.* Professor Silber requested a secret ballot. A secret vote was taken, the ballots were counted, and Secretary Selinsky announced that the vote was 19-2 in favor of the introduction of the resolution, now numbered Resolution 95/10. * - See INSERT attached.

On behalf of the Executive Committee, Professor Boswell moved the adoption of Resolution 95/10, and the motion was seconded. Professor Boswell explained that the Executive Committee framed this resolution as a procedural matter, but that the Committee would argue that it is an issue of representativeness of the scholarship and knowledge of the faculty in the biomedical sciences. He said that Dean Caress, in his response to the Executive Committee, which included his response to the President's request that the matter be fixed, has hewed to the letter of the law. The Faculty Code says that at the school level, there must be an elected standing committee to deal with curricular matters. Professor Boswell said that it is the Executive Committee's position that the omission of any other form of faculty participation does not necessarily deny the faculty the right to participate in faculty change at the beginning of the process. The Executive Committee is well aware that curricular change operates at a variety of levels, and it is not arguing that the

*Kahn
Amendment
5/10/96*

administration has no interest in curriculum change, or, indeed, that it does not have the right to appoint committees to begin the process. The point the Executive Committee was raising is that faculty should have the right to select at least some of the faculty representatives that participate in any curriculum change, and the question is one of whether the biomedical sciences faculty have truly been represented, not in terms of numbers and departments, but in terms of the intellectual scholarship of the the individual faculty members.

Professor Solomon, a member of the Executive Committee, said that first, he wished to make it clear for the record that he dissented from the Executive Committee's sponsoring this resolution as he did not think it should be brought before the Senate at this point. Secondly, in reading Dean Caress' memorandum of April 8th, he thought that the Columbian School was in compliance with the Faculty Code, Section D.p.23, in terms of having this decision brought before an elected standing committee of Columbian School. And, thirdly, as indicated in Dean Caress' memorandum, the entire faculty in biomedical sciences, either this week or shortly, will be given an opportunity to participate in reviewing the curriculum proposal. Professor Solomon said that he thought that that was sufficient faculty input. Professor Boswell replied that since Professor Solomon's commentary was directed at him, he could only say that Professor Solomon's colleagues did not agree with him.

Professor Tropea said that he agreed with Professor Solomon and spoke against the resolution. He said that he would not want to participate as a Faculty Senate member exerting efforts to preempt the ability of the administration to select some of the faculty to help in planning programs, particularly when there are safeguards built into curricular committees in the various schools. There will be many times in the future, he said, when institutions are going to have to assemble faculties across disciplinary lines and he did not think that they should be mandated to look to a democratic process for elected representatives of those disciplines. Professor Tropea stressed that he did not see any violation by Dean Caress in this matter.

Professor Straw explained that there are five Ph.D. programs in the biomedical sciences, and that the first drafts of the institute were sent to the leaders of the five programs who have provided input. The proposed core curriculum has not yet been approved. He said that this would be just the first year for these programs which would bring the University into the 21st century by providing a core background for all of the students. As of last week, he said that all basic science faculty involved in biomedical research have received the proposal and have been invited to indicate their approval or disapproval.

The President recognized Professor Fred Abramson, Department of Pharmacology, who said that up until last week, he was the Director of the Core Curriculum Committee. The contact for the five programs were the five program directors, not the chairs of the departments specifically which have broad interests. He said that early in 1995 a broad plan without much detail was presented, and then in January 1996 a fairly complete document was delivered to the faculty for their written responses. Professor Sally Moody, Department of Anatomy, was recognized. She said that, when she had received the information from Dr. Abramson requesting comments on the curriculum for the neuroscience program, she personally distributed copies of the proposed core curriculum to all faculty in the neuroscience program who were invited to comment upon it. The proposed core curriculum then was discussed at a Neuroscience faculty meeting.

President Trachtenberg called upon Professor Linda Gallo, Department of Biochemistry and Molecular Biology, who said that she would like to address the issue of due process on behalf of the faculty whom she represents. Professor Gallo then read the following statement:

This entire new plan for Ph.D. graduate education has been orchestrated by the administration with a notable lack of due process. There has been a continual pattern of moving on to the next step without faculty approval of or advice on the previous one. Examples are:

- The administration appointed a committee to design a core curriculum for all graduate programs in the biomedical sciences prior to Dean's Council discussion of the recommendation for such change.
- Curriculum committee appointees representing the Medical Center included a subset of biomedical science faculty and scientists from the American Red Cross and Children's Hospital. Most of these appointees have little or no experience in graduate education and curriculum planning. There is a noticeable lack of regular faculty with experience in graduate education.
- The members from Red Cross were appointed to this committee prior to any departmental recommendation and APT committee approval of their faculty status.
- From the time the curriculum committee was appointed in November, 1994 to the present, the faculty had had no opportunity in an open forum to discuss the curriculum, to hear viewpoints raised by other faculty or to verbalize their own viewpoints. The only mechanism for faculty input into the new curriculum

has been through written comments. During the work of this committee, only limited members of the faculty have been given the opportunity to comment. For example, the Microbiology and Physiology faculties were not asked to participate in the development of or to give feedback on the immunology and physiology modules, respectively, in the curriculum, their areas of specialty.

- Now, as of 4/9/96, the curriculum committee, at the urging of Dean Caress, has circulated the proposed and unfinished core curriculum to a large, ill-defined group of regular and research faculty for both comments and a vote by a 4/15/96 deadline. Significant numbers of this group have never seen this curriculum and, with no option for open discussion, have been asked to vote on an unexplained and unfinished product.

- Bypassing faculty approval of the new plan for Ph.D. education, the Columbian School, in February, set up a central committee to select students for the Fall of 1996. To date at least six students have been accepted. Also a flyer which describes the "new curriculum" was prepared by the curriculum committee, approved by Columbian School administration, and circulated to Ph.D. applicants.

The Administration believes we have been afforded due process. In contrast, the group of concerned faculty, clearly delineated in our letter to the Executive Committee of the University Senate, plus other faculty fearful of signing that letter, ask our Senate colleagues if the language and spirit of the Faculty Code has been followed on the issue of broad and active participation of elected faculty in the creation and dissolution of curricula. If you believe it has not, we ask your support of the resolution.

Professor Elgart, a member of the Executive Committee, said that if the Senate would recall, he had brought this matter to their attention at its December 8th meeting. He said that it was obvious that there are some faculty who have been a part of this process from the beginning; on the other hand, there are many faculty who seem to feel that they have been left out of the process. Furthermore, while there is broad support for the Institute, there seems to be a lot of confusion about the curriculum. He was uncertain as to why there was to be a pell-mell rush to produce a curriculum and enroll students this year, since it would be very difficult to develop a curriculum when the faculty who were doing the teaching felt as if they had not been adequately consulted. A system is already in place to teach these graduate

students, and that system is working. He did not understand why the proposed changes could not be made for the following year, so that there would be time to include everyone who wished to be included in the curriculum development. Professor Elgart said that he supported Resolution 95/10.

The President recognized Professor Steven Patierno, Department of Pharmacology, and Director of the Molecular and Cellular Oncology Program, who said that this program encompasses 57 faculty members at this time, both in the basic sciences and the clinical sciences at the Holland Laboratory and the Children's Hospital. Over a year ago when the initial ideas were being formulated, he said that all 57 faculty members in his group were contacted and asked whether or not they agreed with the concept and general principle of curriculum revision and with having a core curriculum at the end. The concept was unanimously approved. This past January, he said that his group was presented with a much more detailed curriculum; a letter was sent by him to everyone in the program inviting their comments and participation in a review meeting. A faculty meeting was held for discussion of the curriculum and the faculty voted unanimously to approve it. Professor Patierno said that from a very broad-based perspective, which includes at least 11 different departments, researchers and faculty members had ample opportunity to have input into the development of the curriculum.

Professor Kahn, a member of the Executive Committee, said that he wished to comment on two things--procedure and substance. First, the Resolution addresses the question of procedure and the question of timing. We are informed at this point that the biomedical sciences curriculum will be sent to the elected Curriculum Committee of Columbian School. But all this Resolution simply asks for is for more time for these committees to do their work. The assumption seems to be in terms of procedure that these committees will approve the curriculum which certainly should not be a foregone conclusion. To begin to circulate fliers and to indicate that this program will commence in the fall of 1996 and, indeed, according to Professor Gallo, there are instances of implementation already begun in advance of faculty approval, seemed to Professor Kahn to be procedurally incorrect at least at this point. Whether the Columbian School Curriculum Committee could alleviate these procedural difficulties by approving them post-haste, he did not know, but he thought the time pressure on the Curriculum Committee would be enormous. Secondly, with respect to substance, Professor Kahn read excerpts from the document setting forth the proposed structure of the Institute of Biomedical Sciences, which states that the Institute will be directed by a Director and an Executive Committee, and that membership in the Institute will be by application and is therefore intended to include all faculty who have expressed interest. Professor Kahn

pointed out that that may be the intention, but since membership is by application, presumably some members of the faculty would not be accepted as members. The Directorship of the Institute, itself, will decide the criterion for membership, so that those people who are not to be selected or accepted as members of the Institute as not meeting the criteria, will not have that privilege. The question of substance then arises, Professor Kahn said, because regulations of the Institute abridge rights and academic responsibilities of faculty established in the Faculty Code which can not be abdicated by some subset of faculty involved. Professor Kahn said that he supported Resolution 95/10.

The President then recognized Professor Allan Goldstein, Department of Biochemistry and Molecular Biology, who read the following statement to the Senate:

President Trachtenberg, Distinguished Members of the Executive Committee and University Senate, Colleagues:

My name is Allan Goldstein. I have been a Professor in the Department of Biochemistry and Molecular Biology for 18 years, and I am one of the 25 concerned faculty that have signed the petition regarding lack of due process. We are deeply appreciative of the seriousness with which the Executive Committee has treated our petition and with their understanding of the gravity of the issues raised.

We believe this resolution which you are considering today could correct a grave injustice that all of us had hoped could have been resolved by an earlier action by our Administration at the Medical Center and by the Dean's Office of the Columbian School.

In the minutes of last month's Senate meeting, President Trachtenberg was quoted as saying, "There is no reason why we shouldn't be able to go back and do it right." I could not agree more with that statement.

As a Departmental Chairman, I am sensitive to the fact that it may be possible to get things done faster by administrative decree than by a democratic process. However, involvement of the faculty in the educational process is a small price an academic institution has to pay for enjoying the fruits of the scholarly process, which in this case involves developing a well thought out core curriculum for five programs to ensure the highest quality education for our students as we go into the 21st century.

And, finally, I would like to respectfully disagree with Dean Caress' comments to the Executive Committee in his memo of

April 8, 1996 in which he interprets the Faculty Code as not requiring that the faculty be involved in the development of curricular offerings but only in final decisions. I am not a lawyer but I would submit to the Senate that, whether or not Ed's interpretation of the Code is correct, his interpretation for sure violates the spirit of our Faculty Code. Very few of us would voluntarily choose to be puppets relegated to voting aye or nay on important changes in educational programs without participation in that process.

As a member of the concerned faculty, we greatly appreciate your understanding that this lack of due process poses a serious threat not only to the rank and file of the Columbian School but to all the Schools within our University. Hopefully, we can all work together to resolve this issue in a collegial manner, but it will obviously require cooperation and support from the Administration.

Dean Caress apologized to the President for not having taken care of this matter since the last Senate meeting, but then he said he was just a "simple" Professor of Chemistry. He then read the following statement:

I am truly perplexed as to the reasons for the Executive Committee's concern about the preparation of this particular curricular proposal. In the Faculty Code, it clearly states that

The regular, active-status faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department, college, or school. (p. 15)

In the Procedures for Implementation of the Code, it says that:

The regular, active-status faculty . . . of each school or college shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings.

In the School By-Laws, it is stated in Part A that the Curriculum Committee shall, on behalf of the Faculty,

consider and act on all recommendations for the addition, revision, or elimination of course offerings (,) subject to review by the Dean's Council;

I believe these requirements have been followed scrupulously. A faculty group has been appointed to develop a proposal. The proposal is being reviewed by the relevant faculty and, if found satisfactory, will be placed before the School's Curriculum Committee. This is just as required in the three quoted statements above. I have absolute confidence in our School's Curriculum Committee.

If it concludes that this is a poor proposal, it will return it to the formulating group for further work. If it finds the proposal worthy, it will indicate its approval.

This means of curricular development had been the custom in the Graduate School of Arts and Sciences for many years. To the best of my recollection, and from what I can discern from the files, all of the programs developed in the last 1-15 years have come from groups of faculty asked to serve on committees appointed to develop the new curriculum. In the GSAS, these committees reported to the Dean's Council which considered the merits of the proposal. This is what is being done in this case. I fail to see a procedural problem.

Professor Pelzman pointed out that the problem here is that we are dealing with multi-departments. The issue here is not that the curriculum has been developed by an appointed or other subgroup, but once the proposal is developed, it must go back before the entire multi-department body for discussion prior to being forwarded to the Curriculum Committee of Columbian School. Since we have multiple faculty groups who are disagreeing, Professor Pelzman said it seemed to him that the best way to resolve this problem would be to have the proposal discussed by the entire body of the whole, make whatever changes needed to be made, and then bring it to Columbian School. Professor Pelzman moved that the RESOLVING Clause be amended by striking the last five lines and adding the following language after the words "recommends that" in the third line: "the curriculum proposal be returned to all of the affected departments for discussion and vote and then forwarded to the curriculum committee of the college." The motion was seconded.

The President recognized Professor Marie Cassidy, Department of Physiology, who said that she thought the Senate would be missing a point that was very relevant to the amendment on the floor. She said that she did not believe that the proper entities, e.g. the 57 associated faculty that Professor Patierno had mentioned, would come under the heading of "regular, active-status faculty." The curriculum

that went out was only received yesterday, and the faculty have no idea to whom it was sent or any idea of how many ballots there were. If the issue of due process is to be addressed in the amendment before the Senate, then a definition of who the regular, active-status faculty are must be determined. Anybody, she said, could send back a ballot on this curriculum, and 57 people in one program appeared to be substantially greater than the number of regular, active-status faculty members in the relevant departments.

Professor Pelzman said that the question raised by Professor Cassidy is whether or not all of the people are entitled to vote because the entire faculty in this issue are spread across departments and programs. Professor Griffith said that if programs are to be included in the amendment, he did not know what procedures they have for specifying who can vote on various issues, whereas departments are required to have such procedures.

Professor Captain, a member of the Executive Committee, said that she thought the issue was not so much a question of substance of the documents that have been presented, but rather an issue of distrust. She suggested that, while it might not be procedurally correct, the faculty involved in Columbian School and the faculty involved in the Medical School should sit down together and talk about this because she did not think there had been enough discussion.

Professor Gary Fiskum, Department of Biochemistry and Molecular Biology, and member of the Neuroscience Ph.D. program, was recognized by the President. Professor Fiskum was recently appointed to the ad hoc core curriculum committee and to the Interim Board of the Research Institute. He wished to make it clear that the faculty do now have the semi-finalized curriculum. He also believes that the faculty concerns with the new curriculum are based on a sincere concern for what is ultimately best for the educational mission and what is best for the students. He said that his particular concern, and of others, has not been just what the curriculum is, but who will be teaching it. Anyone can create a curriculum that sounds great, but until we know who will be delivering those lectures, we do not know what the quality will be and ultimately what the benefit will be for the students. Just yesterday, he said, the curriculum committee started to establish, but it is not firm yet, who the lecturers will be throughout this curriculum, but until a vote can be valid, that curriculum has to have the faculty affixed to the different items of the program. Professor Fiskum said that he understood the time sensitivity with regard to approval by the curriculum committee for implementation next year, but he suspected that there is a possibility that that might be delayed by a few weeks so that the faculty who will be lecturing will be confirmed. Once the faculty are put on the curriculum, the curriculum can then be sent out for what he thought

would be a more valid vote, and then sent to Columbian School.

Professor Griffith moved that the amendment on the floor be amended, as follows:

"recommends that the curriculum proposal be returned to the affected departments and programs for a vote by the regular, active-status faculty of those departments and programs before being sent to the curriculum committee of Columbian School."

The motion was seconded, and the amendment was passed.

Dean Caress moved that the last line of the Second WHEREAS Clause be amended to strike the word "implementation" and to insert the words "proposed for implementation." Professor Pelzman accepted the amendment as a friendly amendment.

A discussion followed by Professors Yezer, Pelzman, Silber, Boswell, Griffith, and Dean Caress.

Interim Vice President Salamon presented a brief history of the proposed Institute and its curriculum. *(See attached addendum.)*

Professor Boswell said that the Executive Committee did not wish to leave the impression that it was not aware of the efforts made by Dean Caress and Interim Vice President Salamon. But the Executive Committee disagreed with them on their interpretation of faculty participation, due process, and the ability of the faculty to select those people who would represent the group.

The question was called on the original motion, as amended, and Resolution 95/10, as amended, was adopted. (Resolution 95/10 is attached.) (See also attached memorandum dated April 12, 1996, from President Trachtenberg to Professor Pelzman and Professor Boswell.)

II. RESOLUTION 95/11, "A RESOLUTION OF APPRECIATION FOR PROFESSOR PELZMAN"

President Trachtenberg, noting that Professor Pelzman's term as Chair of the Executive Committee had reached its statutory limit, introduced "A Resolution of Appreciation" to Professor Pelzman for his service on the Executive Committee during the past three years. The President then read the Resolution of Appreciation and presented it to Professor Pelzman who received a round of applause. Professor Pelzman thanked the Faculty Senate. (Resolution 95/11 is attached.)

*addendum
approved
5/10/96*

INTERIM REPORT ON THE PROGRESS OF THE CHILD CARE CENTER FROM THE OFFICE OF THE VICE PRESIDENT AND TREASURER

On behalf of Vice President Katz, Professor Pelzman distributed an Interim Report on the Child Care Center dated April 10, 1996. This update, Professor Pelzman said, was in response to the Faculty Senate's request at its last meeting for information about the progress of the Child Care Center. He pointed out that the Committee on Appointment, Salary, and Promotion Policies was working on this issue, and he assumed the Committee would keep the Senate informed of any changes. (The Interim Report is attached.)

Professor Pelzman then yielded the floor to Mr. Scott Mory for an announcement. Mr. Mory announced that 80% of the student surveys had been sent out today and the remaining 20% would be mailed early next week. This was in response to the Senate's request to have the surveys sent out earlier so that the faculty would have enough time to incorporate them into their classes before the end of the semester.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION OF FACULTY TO THE DISPUTE RESOLUTION COMMITTEE

On behalf of the Executive Committee, Professor Pelzman moved the nominations for election of the following faculty to the Dispute Resolution Committee for three-year terms commencing May 1, 1996: Professors Teresa Gabaldon (GWLS), Mark S. Klock (SBPM), Lee E. Powell (GSEHD), Gary L. Simon (SMHS), and Daniel Ullman (CSAS). No nominations were made from the floor, and the nominees were elected unanimously. Professor Pelzman then moved the re-election of Professor Roger E. Schechter (GWLS) as Chair of the Dispute Resolution Committee for a one-year term, and Professor Schechter was elected unanimously.

II. NOMINATIONS FOR APPOINTMENT BY THE PRESIDENT TO ADMINISTRATIVE COMMITTEES

On behalf of the Executive Committee, Professor Pelzman moved the nominations for appointment by the President to the following Administrative Committees: Judicial System: Clemmont E. Vontress (Chair) and Shahram Sarkani; Marvin Center Program Board: Irving J. Katz; Marvin Center Governing Board: Leslie Jacobson, Irving J. Katz, Charles E. O'Rear, and Bradley W. Sabelli; Committee on Student Publications: Yolanda C. Oertel, W. Douglas Maurer, Jon Quitslund, and Frederick Wolff. No additional nominations were made from the floor, and the nominees were elected unanimously.

III. REPORT OF THE EXECUTIVE COMMITTEE

The report of the Executive Committee by Professor Pelzman, Chair, is enclosed.

IV. ANNUAL REPORTS OF SENATE STANDING COMMITTEES

No Annual Reports were received. Chairs of Senate Standing Committees were reminded by Professor Pelzman that these reports were due by or before the May 10th Senate meeting.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Park, Chair of the Advisory Committee, Vice President for Academic Affairs Search, presented a report on the progress of the Committee to date. (The report is attached.)

The President said he wished to take this opportunity to make a brief statement about an issue to which the Senate has devoted a good deal of time during the past 8 years, i.e., faculty salaries. The most recent data published in the Chronicle of Higher Education shows that on average no faculty in the assistant and associate professor rank do better in the District of Columbia than GW faculty, and only one institution, Georgetown, does better in the full professor rank than GW, because Georgetown University has a very different configuration in terms of its faculty composition. President Trachtenberg said that the percentage of faculty raises given by GW in the past year exceeded by almost a third of that of any of the market basket institutions, and has moved GW to Category I in compensation for full professors, associate professors, and assistant professors across the board. Our Associate and Assistant Professors are ranked in the 85th percentile. Our Full Professors in the 81st percentile. He said he was very pleased to be able to make this report, and that he wished to thank Vice President Salamon, the former Vice President French, various deans and department chairs, and all the other Vice Presidents who have stepped back in various budgetary deliberations over the past several years, recognizing the purpose to which this institution is devoted, by allowing resources to be moved in a direction that would bring faculty salaries up to the Category I level.

Professor Boswell asked for a round of appreciation for the President's bringing this to the attention of the Senate and for the President's efforts in this regard. The President received a round of applause.

Professor Griffith reported that the Appointment, Salary and Promotion Policies Committee would be receiving a final report on faculty salaries from Vice President Salamon shortly. He said that

this report would then be forwarded to the Senate for its May meeting with the appropriate encomiums and perhaps a few critical notices, as well.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 4:20 p.m.

Brian Selinsky

Brian Selinsky
Secretary

**A TRIBUTE TO THE MEMORY OF PROFESSOR EMERITUS
RODERIC H. DAVISON**

As many of you know, our friend and collèague, Roderic H. Davison, Professor of European History Emeritus, died at Sibley Hospital of respiratory complications on March 23, 1996.

Today, in this setting, it is appropriate to recall that in 1961 Professor Davison was a founding member of the then University Senate, that he served on its Executive Committee for three years, including one year as its Chair, and that, at various times, he chaired such Senate committees as Appointment, Salary and Promotion Policies, Student Financial Aid, and Research.

An active scholar of international renown, Rod Davison never quit. After retiring, he stayed in contact with his colleagues. We would often meet him when he came to copy off his most recent scholarly article on the department's copier. I recall, one time, he mentioned that he had twelve articles "in press." This was at the height of his so-called retirement.

To give you some idea of his stature among us and the affection we felt for him, I want to quote from the memorandum that our Chair, Edward Berkowitz, circulated to members of the department a week ago Monday. Professor Berkowitz, wrote:

"Rod was, in a sense, one of this department's founders. At a time when GW was a sleepy Southern school, he helped to transform the history department into a place of serious scholarship. Not only was he a careful and creative scholar, he was also a man of tremendous wit and charm. He managed to inspire us without taking himself too seriously. In recognition of his contributions to GW and to the profession, he received an honorary degree from this institution in 1994."

Those of us who knew and worked with him will remember Roderic Davison as a person of absolute integrity, candid, quietly outspoken, honest to a fault. In departmental meetings, he was often the gentle nay-sayer, urging us to reconsider departmental actions that--in retrospect--were clearly ill-considered. With students, he observed the

highest academic standards and always insisting—by his example—that we treat them fairly, with compassion, and without pretension. With colleagues, his wit, his fondness for puns, his carefully calculated "asides" endeared him to us in ways that we will long remember.

Peter P. Hill
Professor of History and
International Affairs; Associate
Dean of the Elliott School of
International Affairs

April 12, 1996
Faculty Senate Meeting

[Any inquiries about this resolution should be directed to Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair of the Joint Committee of Faculty and Students, Ext. 4-6345/4-7100.]

A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8)

WHEREAS, there is currently a proposal for revisions to the Code of Student Conduct being put forward by the Office of the Dean of Students; and

WHEREAS, these revisions have been designed for the purpose of improving the Code of Student Conduct by addressing deficiencies arising from the subsequent passage of the Drug Free Schools and Communities Act, and the Student Rights to Know Act; and

WHEREAS, the proposed revisions will clarify several points of procedure in the hearing process by making them less legalistic, thereby further enabling hearing bodies to hold students accountable for determined destructive behavior; and

WHEREAS, the Joint Committee of Faculty and Students and Student Association have already endorsed the attached proposal for revisions to the Code of Student Conduct; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approves the proposed revisions and urges the President of the University and Board of Trustees to approve them as well.

**Joint Committee of Faculty and Students
January 26, 1996**

Referred back, March 8, 1996, by the Faculty Senate to the Joint Committee of Faculty and Students for further review and to be brought back to the Faculty Senate at its April meeting.

Adopted, as revised 4/1/96, April 12, 1996

DRAFT

PROPOSED

CODE OF STUDENT CONDUCT

Submitted by: Linda Donnels, GWU Dean of Students

NOTE: Draft amended and approved by JCFS on 03/29/96

Reprinted: 04 01 96

Authority for Student Discipline

1. Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, student committees, and organizations, as set forth in the Code of Student Conduct ("Code"), or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system so that they may contribute their skills and insights to the resolution of disciplinary cases.

Rationale

2. The primary purpose for the maintenance of discipline in the University setting is to protect the campus community and to establish clearly standards for civil interaction among community members. The University's goal, through maintenance of standards set forth in the Code, is to help students experience democratic citizenship, and its attendant obligations and responsibilities.

The purpose of a disciplinary proceeding is to establish the factual record regarding an alleged violation of the Code. The procedures outlined do not attempt to recreate or approximate a court of law. Procedures shall reflect standards of fundamental fairness; however, minor deviation from procedural guidelines for hearings suggested in this Code shall not invalidate a decision or proceeding resulting from conference or hearing unless significant prejudice to the accused or the University may result, as judged by the Assistant Dean of Students.

Definitions

3. When used in this Code:

a) "Distribution" means any form of sale, exchange, or transfer.

b) "Group" means a number of persons who are associated with each other, but who have not complied with University requirements for registration as an organization.

c) "Institution" and "University" mean The George Washington University and all of its undergraduate, graduate, and professional schools, divisions, and programs.

d) "Organization" means any number of persons who have complied with University requirements for registration with the Office of Campus Activities as a student organization.

e) "Student" means any currently enrolled person, full-time, part-time, or on continuous enrollment, pursuing undergraduate, graduate, or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion.

f) "University premises" means buildings or grounds owned or leased by the University including but not limited to buildings or grounds in which students reside and University food service facilities are located; Marvin Center facilities; and facilities operated in the name of any officially-registered student organization. This definition is not limited to buildings or grounds owned or

leased by the University at the Foggy Bottom Campus. This definition does not include buildings or grounds which are leased or sublet to any person(s) or business entities.

g) The term "University-sponsored activities" means events and activities initiated by a student, student group or organization, or University department, faculty member or employee which:

1. Are expressly authorized, aided, conducted or supervised by the University; or
2. Are funded in whole or in part by the University; or
3. Are initiated by an officially-registered student organization and conducted or promoted in the name of that student organization and/or the University; or
4. Take place on University premises.

Interpretation of Regulations

4. The purpose of publishing disciplinary regulations is to inform students of prohibited behavior. This Code is not written with the specificity of a criminal statute and any similarity between the language of any criminal statute does not mean that such language or statute or case(s) apply to the University's judicial system.

Inherent Authority

5. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises indicates that they pose a serious and substantial danger to others.

The University will not routinely invoke the disciplinary process for student misbehavior occurring off University premises. Nonetheless, it will be necessary to endeavor to protect the campus community when there are reasonable grounds to believe that a student may pose a substantial danger to others.

Although "substantial danger" may be manifested by a pending criminal charge (usually relating to a crime of violence, burglary, substantial theft or fraud, the sale of illegal drugs, or the possession of substantial quantities of illegal drugs), such a charge is not necessary for the University to invoke its inherent authority.

6. Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought.

Interim Suspension

7. The Dean of Students or a designee may evict a student from University housing or suspend a student from the University for an interim period not to exceed 21 days, pending disciplinary proceedings or medical evaluation. The interim eviction/suspension shall become immediately

effective without prior notice whenever there is evidence that the continued presence of the student on the campus poses a substantial and immediate threat to himself or herself or to others or to the stability and continuance of normal University functions. Interim suspension shall be considered an excused absence.

8. A student suspended or evicted on an interim basis will be granted a disciplinary hearing or conference as soon as is practical.

Standards of Classroom Behavior

9. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a disciplinary conference or hearing, as set forth in Articles 25 and 26 of this Code, or in accordance with Articles 7 and 8 above.

The term "prohibited...acts" includes behavior prohibited by the instructor (including, but not limited to, smoking in the classroom, persistently speaking without being recognized or called upon, refusing to be seated, disrupting the class by leaving and entering the room without authorization.) It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of a disagreement with the instructor or classmates is not in itself disruptive behavior.

Office of Student Judicial Services

10. The Office of Student Judicial Services within the Dean of Students Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Office include:

- a) Determining the disciplinary charges to be filed according to this Code;
- b) Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation before the various judicial boards on a timely basis;
- c) Training and advising the campus judiciary;
- d) Maintaining all student non-academic disciplinary records;
- e) Developing procedures for conflict resolution;
- f) Conducting disciplinary conferences;
- g) Collecting and disseminating research and analysis concerning student conduct.
- h) Resolving cases of student misconduct, including the imposition of sanctions lesser than

suspension or expulsion.

Prohibited Conduct

11. Violence of any kind will not be tolerated on or off University premises or at University-sponsored activities. Any student, group, or organization found to have committed misconduct is subject to disciplinary action and to the sanctions outlined in this Code. Attempts to commit any of these acts of misconduct are included in the scope of these definitions. The following are examples of misconduct which are subject to disciplinary action when they occur on University premises or at University sponsored events:

a) Rape - Engaging in sexual intercourse with any person without that person's consent. Such sexual intercourse is "without consent" when inflicted through the use of force or the threat of force, or upon a person who has refused consent, who is unconscious or who is otherwise without capacity to consent.

b) Sexual Assault - Inflicting a sexual invasion other than sexual intercourse upon any person without that person's consent. Such sexual invasion is "without consent" when inflicted through the use of force or the threat of force, or upon a person who has refused consent, who is unconscious or who is otherwise without capacity to consent.

c) Physical Abuse - Physical abuse and/or battery of any person.

d) Assault - Placing a person in fear of imminent physical danger or injury through the use of verbal or physical threats.

e) Sexual Harassment - Committing sexual harassment against another person. "Sexual harassment" means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1) Submission to such conduct is made explicitly or implicitly a term or condition of academic performance or advancement or employment; or

2) Submission to or rejection of such conduct by an individual is used as a basis for a decision relating to the academic performance or advancement or employment of the individual; or

3) A person knows or should have known that such conduct is unwelcome and that the conduct has the purpose or effect of:

- a) substantially interfering with an individual's academic or work performance; or
- b) limiting participation in University programs or University-sponsored activities; or
- c) creating an intimidating, hostile, or offensive academic, work, social or living environment.

f) Drug /Alcohol Violation - Possession or use of alcohol by persons under 21; intoxication on

University premises; possession of illegal drugs or controlled substances; manufacture or distribution of illegal drugs or controlled substances.

g) Weapon Violation - Use, possession, or storage of any firearms, ammunition, knives or other weapons, or objects which could be construed as weapons. Items that pose a potential hazard to the safety or health of others are also prohibited.

h) False Alarm/Report - Initiating or causing to be initiated any false alarm/report, warning, or threat of fire, explosion, or other emergency.

i) Interfering With University Events - Interfering with any normal University or University-sponsored events, including, but not limited to, studying, teaching, research, and University administration, fire, police, or emergency services.

j) Sanction Violation - Violating the terms of any disciplinary sanction imposed in accordance with this Code.

k) Dishonesty - Non-academic dishonesty including but not limited to:

- 1) Furnishing of false information to the University or University personnel, including University Police.
- 2) Furnishing false information at University disciplinary proceedings.
- 3) Forgery, unauthorized alteration or unauthorized use of any University documents, records, or identification cards, including computer records, misuse of computer facilities and electronic mailing systems. Academic dishonesty violations will be handled according to the Code of Academic Integrity.

l) Misuse of Fire Safety Equipment - Misuse or damage to fire safety equipment, such as fire extinguishers or exit signs.

m) Theft - Theft of property or of services or knowing possession of stolen property.

n) Destruction of Property - Destroying or damaging University property, such as library holdings, or the property of others.

o) Non-compliance - Failure to comply with reasonable directions of University officials, including University Police officers, acting in performance of their duties. Directives to cooperate in the administration of this Code including those to appear and give testimony at a University disciplinary proceeding as well as directives to produce identification are included in the scope of this provision.

p) Regulation Violation - Any violation of other published University regulations including, but not limited to, The Alcoholic Beverage Consumption and Distribution Policy, regulations

governing student organizations, the Residence Hall Rules and Regulations and other lease agreements with the University, the Code of Computer Usage, and the Gelman Library Rules and Regulations.

q) Fireworks Violation - Use or possession of fireworks.

r) Violation of Law - Violation of federal and/or local law, including, but not limited to, possession of any falsified identification; manufacture, sale or distribution of local, state or federal identification.

s) Unauthorized Use of the University's Name - Any unauthorized commercial use of the University's name, logo, or other representation.

t) Disorderly Conduct - Acting in a manner to annoy, disturb, interfere with, obstruct, or be offensive to others; shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others; verbally abusing University officials acting in performance of their duties; or acting in a lewd or indecent manner.

u) Hazing - Any act of hazing. Hazing is defined as any action taken or situation created, intentionally, with or without consent, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations include but are not limited to paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on outside the confines of the house or organization; wearing, publicly, apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with the academic mission of the University. Groups will be held responsible for the actions of their members including pledges, associates, and any other pre-initiates.

Individuals will be charged, in addition to the group itself, under this, as well as any other applicable violations. See Sections 28 and 29 for further information regarding this prohibition.

v) Discrimination - Committing any of the above acts because of a person's race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation.

Sanctions

Articles 12 and 13 represent an attempt to give needed assistance to those who are assessing sanctions. The direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. However, the language concerning "mitigating factors" is broad enough to give considerable discretion to do justice, depending upon the facts in each case. The burden of establishing mitigating factors is upon the student accused.

12. This Code seeks to preserve flexibility in the imposition of sanctions so that each student or group offender is afforded the greatest possibility for appropriate and just treatment.

Significant mitigating or aggravating factors shall be considered, which may include the current demeanor and the presence or lack of a disciplinary or criminal record of the offender as well as the nature of the offense and the extent of any damage, injury, or harm resulting from it.

a) Censure - An official written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.

b) Disciplinary Probation - Exclusion from participation in privileged or extracurricular institutional activities for a specified period of time, including athletic and any other team activity or sport. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University.

c) Restitution - Repayment to the University or to an affected party for damages, loss or injury resulting from a violation of this Code.

d) Suspension - Exclusion from classes and other privileges or activities, including access to University premises or University-sponsored activities off campus, as set forth in the notice of suspension, for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund, and is barred from University premises.

e) Expulsion - Termination of student status and exclusion from University privileges and activities, including access to University premises or University-sponsored activities off campus, in perpetuity. Any student who is expelled shall not be entitled to any tuition or fee refund, and is barred from University premises.

f) Eviction from Residence - Termination of residence contract and exclusion from visiting within certain or all residence facilities as set forth. Any student who is evicted shall not be entitled to a refund of room fees.

g) Other sanctions - Other sanctions may be imposed instead of or in addition to those specified in Sections (a) through (f) of this section. For example, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use or registration of motor vehicles on campus. Service projects may also be assigned. Students may be directed to have "no contact" with other students and/or may be forbidden from accessing specified areas of campus ("persona non grata").

13. The following are recommended minimum sanctions:

a) Rape: one year suspension and eviction from the residence halls or University-owned housing.

b) Sexual Assault: one year suspension and eviction from the residence halls or University-owned housing.

c) Physical Abuse: one semester suspension and eviction from the residence halls and University-owned housing.

d) Assault: disciplinary probation.

e) Sexual Harassment: disciplinary probation.

f) Drug Violation:

1) Possession and/or use:

1st offense: \$50 fine, required participation in a drug abuse education program and eviction from residence halls;

2nd offense: \$100 fine and required evaluation by a certified service at the student's expense;

3rd offense: conference with the Dean of Students or designee to determine viability of the student's remaining at the University.

2) Manufacture, distribution, possession with intent to distribute drugs: one year suspension.

3) Violation of Alcohol Policy:

1st offense: \$50 fine and required participation in an alcohol education program;

2nd offense: \$100 fine and required assessment by a certified service at the student's expense;

3rd offense: conference with the Dean of Students or a designee to determine viability of student remaining at the University.

g) Possession or storage of a weapon or object that could be construed as a weapon: disciplinary probation and eviction from the residence halls and University-owned housing.

1) Use of weapons, ammunition or objects that could be construed as weapons: one semester suspension.

2) Use of firearms: one year suspension.

h) False alarm/report: \$300 resetting fee. Suspension from the University and/or eviction from the residence halls and University-owned housing.

- I) Interfering with University events: censure.
 - j) Sanction violation: disciplinary probation.
 - k) Dishonesty: disciplinary probation.
 - l) Misuse of Fire/Safety Equipment: restitution.
 - m) Theft: restitution.
 - n) Destruction of property: restitution for cost of replacement or repairs; loss of privileges in libraries or computer or other laboratories.
 - o) Non-compliance: disciplinary probation.
 - p) Regulation violations: disciplinary probation, eviction from residence halls and University-owned housing; denial of computer privileges / access, loss of library privileges. In egregious cases, such as tampering with University computer records, student may be suspended for no less than one semester.
 - q) Fireworks Violation: eviction from residence and University-owned housing; restitution for cost of repairs.
 - r) Violation of law: disciplinary probation for acts including, but not limited to, possession of any falsified means of identification; one semester suspension or, in egregious cases, expulsion for acts including, but not limited to, manufacture, sale, or distribution of local, state or federal means of identification.
 - s) Unauthorized Use of the University's Name: disciplinary probation.
 - t) Disorderly conduct: disciplinary probation and/or eviction from residence halls and University-owned housing.
 - u) Hazing: for groups, loss of University registration and all attendant privileges; for individuals, disciplinary probation or any other sanction applicable for additional charges.
 - v) Discrimination: will not have a separate, minimum sanction since it will only be charged in conjunction with charges or other prohibited conduct.
14. Repeated or aggravated violations of any part of this Code may also result in expulsion or suspension or any other sanction that may be appropriate.

15. Attempts to commit acts prohibited by this Code, or encouraging others to commit acts prohibited by this Code shall be punished to the same extent as completed violations.

16. Students subject to eviction from University housing or suspension or expulsion from the University will be entitled to a judicial board hearing. Students subject to any other sanction will be entitled to an informal disciplinary conference. (See Sections 26 and 27.)

Case Referrals

17. Any person may refer students or student groups or organizations suspected of violating any part of this Code to the Office of Student Judicial Services and the University Police. Any person who witnesses a violation in progress should report this immediately to the University Police.

18. The Assistant Dean of Students or a designee will review the reported allegation to determine whether a sanction of suspension, eviction from housing, or expulsion is warranted. From that determination, a judicial board hearing or disciplinary conference will be scheduled based upon the terms in Sections 25 and 26. Any student, however, may elect to have a disciplinary conference. If a student entitled to a judicial board hearing elects a disciplinary conference, the full range of sanctions may be imposed, including, eviction, suspension, and expulsion.

19. The Assistant Dean of Students or a designee may defer disciplinary proceedings for alleged violations of this Code for a period not to exceed one semester. Pending charges may be withdrawn thereafter, dependent upon the conduct of the accused student, or be added to any subsequent charges within the period of deferment.

Judicial Boards

20. Judicial Bodies:

a) The University Hearing Board hears cases to be resolved in accordance with this Code. The Board is composed of five full-time students to be selected from the pool. The pool shall consist of at least 10 full-time students selected according to Section 22 of this Code. If the alleged misconduct may result in suspension or expulsion from the University, whenever possible, a faculty member or administrator will be included; however, the absence of a faculty member or administrator will not prevent the University Hearing Board from hearing a case. Quorum will consist of at least three students.

b) The Student Traffic Board considers appeals of offenses for which a ticket was issued by the Parking Office as well as other parking matters referred by the Parking Office. It may both impose and reduce prescribed fines or suspensions of parking privileges. The Board is composed of three full-time students. Traffic Board decisions are subject to administrative review at the discretion of the Assistant Dean of Students, but are otherwise considered final and conclusive. Requests for appeals of parking tickets must be submitted in writing to the Office of Parking Services within five business days from the date the ticket was issued. Failure to appeal within the allotted time will render the original decision final and conclusive.

c) ad hoc Boards may be appointed by the Assistant Dean of Students if after reasonable effort any board is not able to be constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. ad hoc Boards may be composed of administrators, faculty members, students, or any combination thereof. Reasonable efforts should be made to arrange for student membership on any ad hoc Board.

d) The Committee on the Judicial System, appointed by the President for a term of two years, will be composed of the following members: Two faculty members to be nominated by the Faculty Senate; two administrators to be nominated by the Dean of Students; two full-time undergraduate students and one graduate student to be nominated by the President of the Student Association. Quorum will consist of three members with each constituency--administrators, faculty and students--represented. The chairperson should be a member of the Faculty Senate. In addition to reviewing appeals, other tasks or assignments may be referred to the Committee at the discretion of the Dean of Students. The Committee on the Judicial System's decisions on appeals are final and conclusive.

21. With the exception of the Student Traffic Board, the finding of fact as determined by each judicial board will be forwarded to the Assistant Dean of Students or designee for determination and imposition of sanction, if applicable. In case of suspension or expulsion, the Dean of Students or a designee, in concurrence with the Vice President for Academic Affairs or a designee, will impose sanctions.

Selection and Removal of Judicial Board Members

22. Student members of each judicial board and the presiding officer are selected in accordance with procedures developed by the Assistant Dean of Students or a designee. Student members of each judicial board are appointed by the Dean of Students or a designee to serve for a term of one year. Faculty and administrative members of each judicial board are nominated by the Faculty Senate and the Dean of Students, respectively, and are appointed by the President for terms established by the Faculty Senate.

23. Members of any judicial pool who are charged with any violation of this Code or with a criminal offense will be suspended from their judicial positions by the Assistant Dean of Students or a designee during the pendency of the charges against them. Members found guilty of any such violation or criminal offense will be disqualified from any further participation in the University judicial system. Additional grounds and procedures for removal may be established by the Assistant Dean of Students.

24. Students, faculty and staff appointed as members of any Judicial board must adhere to absolute confidentiality relative to the matters and names of all individuals who participate in the judicial process. Any student who violates this provision will be charged, and if found in violation, will be sanctioned.

Procedural Guidelines--Disciplinary Conferences

25. When deemed appropriate by violation, when requested by students in place of a judicial board hearing, or when used to adjudicate minor violations of residence hall regulations, the following procedural guidelines for a disciplinary conference will be used:

A disciplinary conference will normally consist of an informal, non-adversarial meeting between the accused student and a University administrator or an experienced member of the University Hearing Board as designated by the Assistant Dean of Students or the Administrator for Student Judicial Services. Respondents may request the Office of Student Judicial Services to call appropriate and relevant witnesses on their behalf.

The following guidelines apply to respondents in disciplinary conferences:

a) Written notice of the specific charges and date of scheduled conference at least three days prior to the conference.

b) Reasonable access to the case file at least three days prior to and during the conference. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Judicial Services.

c) An opportunity to respond to the evidence and to call appropriate and relevant student witnesses. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a disciplinary conference will be charged under Section 11 (k,2) of this Code.

d) A right to an advisor in accordance with the guidelines in Part 27.

e) If a student entitled to a judicial board hearing elects a disciplinary conference, the full range of sanctions may be imposed, including eviction, suspension, and expulsion. ~~(The right to appeal the sanction of expulsion or suspension shall not be applicable. The penalty of eviction is never appealable.)~~

Editorial
Change
4/12/96

Procedural Guidelines--Disciplinary Hearings

26. The following procedural guidelines shall be applicable in all disciplinary hearings:

a) Students accused of violations will be given written notice of the hearing date and the specific charges against them within a reasonable amount of time and will be given reasonable access to the case file which will be retained in the Office of Student Judicial Services.

b) The Office of Student Judicial Services will take steps to compel the attendance of student witnesses whose testimony may help the University Hearing Board to establish the factual record. Failure to appear when called will result in charges under this Code. Character witnesses will not be heard. It is expected that all witnesses will provide information that is true and correct. Any student who knowingly provides false information during a disciplinary

hearing will be charged under Section 11 (k,2) of this Code.

c) Accused students who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a student may elect not to speak on his/her own behalf. In such cases, the University Hearing Board's decision will be based solely on witness testimony and other written information presented during the proceeding.

d) Hearings will be closed to the public. A public hearing may be held at the discretion of the presiding officer, if requested by the respondent.

e) The presiding officer will exercise control over the proceedings to maintain proper decorum, to avoid needless consumption of time and to achieve an orderly completion of the hearing. Anyone disrupting the hearing may be removed or excluded from the hearing by the presiding officer, the Assistant Dean of Students, or a designee. Such disruption is a violation of this Code, and an individual may be charged following his/her disruption and removal.

f) Hearings will be tape-recorded or transcribed. The method used is at the discretion of the Assistant Dean of Students.

g) Any party may challenge a Board member on the grounds of personal bias. The decision to disqualify a Board member will be made by the Assistant Dean of Students or a designee. This decision is final.

h) Witnesses will be truthful in giving testimony before the Board. Furnishing false information in such a context is a violation of this Code and appropriate sanctions will be applied.

I) Only the immediate parties to the alleged violation may be present throughout the hearing. All parties will be excluded during Board deliberations.

j) The Board will question all parties in an effort to establish the factual record. On disputed points, a preponderance of the evidence available, fairly considered, will decide the facts. A "preponderance of the evidence" means that it is "more likely than not" that a fact is true or an event occurred.

k) Formal rules of evidence will not be applicable in disciplinary proceedings described in this Code. Confidentiality and University rules of privilege will be observed.

l) All parties may question witnesses who testify for any of the parties at the hearing.

m) Prior to the hearing, the Assistant Dean of Students may appoint a special presiding officer in complex cases.

n) Reports of the Board shall include a finding of fact and a determination of whether or not the respondent is in violation of the alleged misconduct. If the Board determines the respondent to be in violation, the report will also include a recommendation of sanction. The Board may consider mitigating or aggravating circumstances when making a sanction recommendation. The report will be forwarded to the Assistant Dean of Students for review. If in the judgement of the Assistant Dean of Students the sanction recommended by the Board is significantly at variance with sanctions imposed in closely similar cases, the Assistant Dean of Students may then revise the sanction.

o) In cases of suspension or expulsion, the Dean of Students or a designee, in concurrence with the Vice President for Academic Affairs or a designee, will impose sanctions. The past disciplinary record of the accused student and applicable mitigating circumstances will be taken into account in determining the sanction(s).

p) The accused student will receive, in writing within a reasonable amount of time, the decision of the Board and the sanction(s) determined.

q) Accused students have the right to an advisor in accordance with the guidelines in Section 27.

Representatives and Advisors

27. Representation is not permitted in University disciplinary hearings or conferences. Accused students may be accompanied by an advisor/friendly observer. The role of advisors shall be limited to consultation with respondents; advisors may not address the Board or question hearing participants. This party may be, but may not act as, legal counsel.

Student Groups and Organizations

28. Student groups and organizations may be charged with violations of this Code.

29. A student group or organization may be held collectively responsible and its officers may be held individually responsible when violations of the Code by those associated with the group or organization have occurred.

A position of leadership in a student group, organization, or athletic team entails responsibility. Student officers cannot permit, condone, or acquiesce in any violation of this Code by the group or organization.

This section of the Code is also designed to hold a group, including athletic teams, student organizations and their officers accountable for any act of hazing. For example, requiring, expecting, or encouraging members to consume any drug, including alcohol, as a condition or prelude to membership or further participation in the organization would constitute a violation of Sections 11. a., f., i., and w. This is because such an activity may be physically abusive.

constitutes an interference with normal University activities and violates drug/alcohol regulations. The express or implied "consent" of the victim or participant is not a defense. Participants in these activities will be charged; the University community is considered to be the victim.

30. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Assistant Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Assistant Dean of Students' directive shall be considered a violation of this Code both by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.

31. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions.

Appeals

32. Appeals must be based on new information which is relevant to the case, was not previously presented at hearing or conference, and which significantly alters the finding of fact.

33. Appeals must be submitted in writing to the Office of Student Judicial Services within five business days from the date of the written sanction notice. Appeals must be submitted in writing to the Office of Student Judicial Services within five business days from the date of the written sanction notice. These appeals will be reviewed by the Assistant Dean of Students or designee to determine their viability based on new information significantly altering the finding of fact. When deemed viable, the appeal will be forwarded to the Committee on the Judicial System for its review. Failure to appeal within the allotted time will render the original decision final and conclusive. Decisions to grant or deny the appeal will be based upon information supplied in the written appeal and, when necessary, upon the record of the original proceedings.

34. The Committee on the Judicial System may:

- a) Affirm the finding of the original board or conference;
- b) Remand the case to the original board conference officer for a new hearing;
- c) Request that a new board or conference officer hear the case.

35. The imposition of sanctions will be deferred during the pendency of appellate proceedings unless, in the judgment of the Dean of Students or a designee, the continued presence of the student on campus poses a substantial threat to others, to him/herself, or to the stability and continuance of normal University functions.

Transcript Notations

36. A temporary encumbrance may be placed on a student's University records by the Assistant Dean of Students or a designee while disciplinary proceedings are pending.

37. Notation of disciplinary action will be made on the transcript whenever a student is expelled or suspended. Students may petition for removal of the notation of suspension when the suspension period has expired or after three years, whichever comes first. Such petitions may be granted at the discretion of the Assistant Dean of Students, or a designee. Factors to be considered in reviewing petitions for notation removal include the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the damage, injury, or harm.

Disciplinary Files and Records

38. Case referrals may result in the development of a disciplinary file in the name of the student; the file shall be voided if the charge is not substantiated. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

39. The files of students found in violation of any prohibited conduct will be retained as disciplinary record until their graduation. Disciplinary records may be reported to third parties in accordance with University regulations and Federal law.

40. Disciplinary records may be expunged by the Assistant Dean of Students, upon written request of the student, not sooner than one year after the finding of fact for the case. In deciding whether to grant the request, the Assistant Dean of Students will consider such factors as the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation including the severity of any other student's damage, injury, or harm.

41. Students assigned to complete any sanction as a result of violating any section of this Code will have their records encumbered by the Office of Student Judicial Services. The encumbrance will be removed upon completion of all sanctions required by the University.

[Any inquiries about this resolution should be directed to Professor Muhammad I. Hague, Chair, Research Committee, Ext. 4-4964.]

**A RESOLUTION ON THE POLICY ON PATENTS AND SCHOLARLY
WORKS (95/9)**

WHEREAS, The University's existing Patent Policy has been in place for over forty years without revision; and

WHEREAS, A new Policy on Patents and Scholarly Works is needed as stated in the Strategic Plan for Research (1994-95); and

WHEREAS, A Policy on Patents and Scholarly Works that serves the faculty in a productive way is an overall incentive to enhance technology transfer activities at the University; and

WHEREAS, The proposed Policy on Patents and Scholarly works was unanimously recommended for implementation at the annual joint meeting of the Senate Committee on Research and the Advisory Council on Research; and

WHEREAS, The new Policy on Patents and Scholarly Works provides the framework and guidelines for the faculty and the Associate Vice-President for Research and Graduate Studies to pursue extramural research funds in those instances where technology transfer is involved; therefore

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE
WASHINGTON UNIVERSITY**

That the Faculty Senate endorse this Policy on Patents and Scholarly Works and recommend its implementation by the University Administration.

Research Committee
February 21, 1996

Adopted April 12, 1996

Policy on Patents and Scholarly Works of The George Washington University

I. Purpose

The University seeks to serve the needs of society in the course of pursuing the traditional principles of education and research, as well as patient care. It has dedicated itself and all its resources to the pursuit and dissemination of knowledge. It does not pursue knowledge for primarily commercial purposes. However, the University recognizes that the interest of the inventor(s) and that of the University are better served when inventions and discoveries made by University faculty, staff, or students are developed to the point of practical application. The University's Policy on Patents and Scholarly Works is intended to facilitate that objective.

The University's purposes of pursuing and disseminating knowledge are sometimes served by seeking patent protection for inventions and discoveries made in the course of work by University faculty, staff, and students. Patents confer certain exclusive rights to inventions and discoveries while simultaneously making those inventions and discoveries known to the public. Many inventions and discoveries are of more beneficial use when protected by the exclusive rights granted in a patent. Consistent with the public interest, the University will take steps to promote the development and use of its faculty's, staff's, and students' inventions and discoveries. When the University receives royalties from patents, it will use those royalties in support of its mission of education and research and to provide appropriate incentives for inventorship.

The University's Policy on Patents and Scholarly Works applies to all faculty, staff, and students of the University. While it imposes certain obligations on faculty, staff, and students who conduct research, the purpose of this document is to adopt an inventor-friendly process in dealing with patents and scholarly works.

II. Definitions

For the purposes of this policy concerning patents and scholarly works, certain terms have meanings as indicated below:

"Faculty" means all those individuals receiving a letter of faculty appointment from the Vice President for Academic Affairs, with associated compensation from the University, whether of full-time, research, continuing part-time where on-campus research activity is involved, visiting, or other status.

"Staff" means all those individuals receiving letters of appointment to either graded or ungraded positions, whether full-time, regular part-time, visiting, or other status, receiving compensation from the University.

"Students" means all those individuals associated with the University who are in active student status as defined by formal registration, whether full-time or part-time; whether or not holding a fellowship, a teaching assistantship, a research assistantship, or equivalent award, and whether or not receiving salary, wages, or a stipend. This term also applies to those individuals who have petitioned for and received a leave of absence for a specific period of time.

"Inventions", "Discoveries", "Technologies", and "Innovations" are terms that are meant to cover tangible or intangible inventions, including any process, machine, manufacture, composition of matter, or improvement thereof, which is or may be patentable, whether or not reduced to practice. These terms also are meant to cover tangible research and development results whether or not patentable. Such results include, for example, computer programs, circuit designs of all types, data bases, technical and design drawings, biogenic materials, novel varieties of plants, chemically synthesized molecular systems, and other creations.

These terms apply to the faculty, staff, and students of The George Washington University in the performance of their scope of duties for the University or for a sponsored research project accomplished on University time, or with direct University funding, or the use of University facilities. The scope of duties includes the area or areas of expertise in which an individual is considered qualified to teach or do research by his/her Department, and includes the application of this expertise in any field within or outside the individual's discipline.

"Patent Agreement" means the original Patent Agreement made 16 August 1954 between The George Washington University and Research Corporation. A new agreement, For Disclosure, Evaluation, and Commercialization of Inventions, dated 11 July 1995, between The George Washington University and Research Corporation Technologies, Inc., subsumes and extinguishes the original patent agreement. Copies of these agreements and this document can be obtained from the Office of Sponsored Research or the Office of Medical Center Sponsored Projects.

III. University Organization

A. *Office of Sponsored Research/Office of Medical Center Sponsored Projects*

The Associate Vice President for Research and Graduate Studies in consultation with The Office of Sponsored Research (non medical) and the Director of the Medical Center Office of Research in consultation with the Office of Medical Center Sponsored Projects are the University officials responsible for patent matters, including negotiation of agreements with sponsors of research and with licensees of University owned patents. These officials administer the Policy on Patents and Scholarly Works and ensure

compliance with agreements with sponsors, and coordinate on such activities for joint endeavors that involve both components, i.e., non medical and medical.

The Office of Sponsored Research (non medical) and the Office of Medical Center Sponsored Projects are available to advise faculty, staff, and students on patent questions, particularly as they relate to specific disclosures.

B. Patent and Scholarly Works Review Panel: Policy and Procedure with regard to Patents and Scholarly Works.

All responsibility for establishing policy and procedures to implement the Policy on Patents and Scholarly Works resides with the Associate Vice President for Research and Graduate Studies, who chairs the Advisory Council on Research. The latter Council serves as the Associate Vice President's consultative body on these matters. A subcommittee of the Advisory Council on Research will be appointed for each calendar year by the Associate Vice President for Research and Graduate Studies. This subcommittee will be called the Patent and Scholarly Works Review Panel. The Panel, chaired by the Associate Vice President for Research and Graduate Studies, shall have membership composed of one representative from each School of the University along with the directors of the Office of Sponsored Research and the Office of Medical Center Sponsored Projects. In addition, one of the two members of the Advisory Council on Research from the Senate Committee on Research shall be appointed to the Panel. When necessary, for consultative purposes and to obtain expert advice, the Panel may convene an ad hoc subpanel, composed of members internal or external to the University who are not members of the Panel.

IV. Relations with Sponsors of Research

Through the Offices of Sponsored Research (non medical) and Medical Center Sponsored Projects, the University enters into agreements with third parties to sponsor research conducted by University faculty, staff, and students. Such agreements for sponsored research may contain provisions allocating the parties' rights in any Inventions or Discoveries made under the agreement. The University will not enter into such an agreement if its provisions differ in any way from University policy unless the deviating provisions are deemed acceptable in writing by the faculty member or staff member who will be the principal investigator for the project.

Sponsored research agreements impose many requirements, not just ones related to patents, and University faculty, staff, and students should familiarize themselves with any of these requirements that relate to their work. Before work begins on a project covered by a sponsored research agreement, the principal investigator must advise his/her colleagues working on the project of their rights and duties under the agreement. Usually, this is best done by providing each individual involved with copies of the applicable sections of the document.

Sponsored research agreements are entered into only after it is determined that they meet certain basic criteria. It is expected that the following criteria will be applied unless there is documented reason for an exception that is approved by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research:

1. The sponsored research is consistent with and supportive of the University's purposes of education and research, as well as patient care, and the University's overriding aim of pursuing and disseminating new knowledge.
2. The sponsored research does not involve the commitment of so many personnel or other resources that it creates an inappropriate balance of activities within the relevant University school, department, or laboratory. These determinations are to be made by the appropriate signatories, e.g., Department Chair, Dean, Associate Vice President for Research and Graduate Studies, Vice President for Academic Affairs, Director of the Medical Center Office of Research, or Vice President for Medical Affairs, on the standard routing sheets for approval of sponsored research proposal within the University (both non medical and medical).
3. Faculty, staff, and students are permitted to publish the results of their research in a timely manner. The University normally will agree to maintain confidentiality of confidential information provided by the sponsor and to withhold publication for up to 60 days after disclosure to the sponsor in order to accommodate the filing of a domestic or foreign patent application covering the subject matter of the publication.

A. The U.S. Government

Many University faculty, staff, and students receive financial support for their research from the U.S. Government. The ownership of Inventions, Discoveries, Technologies, or Innovations made by University faculty, staff, or students with Government financial support is determined by Federal law, including the Bayh-Dole Act (35 U.S.C. § 200-212) and the regulations at 37 C.F.R. Pt. 401.

The University has a duty promptly to disclose to the Government all Inventions, Discoveries, Technologies, or Innovations made in the performance of a Government funding agreement, where a funding agreement means prime awards from the Federal government and Federal pass-throughs, i.e., subcontracts at all tiers. Accordingly, as provided in Section V of the Policy on Patents and Scholarly Works, faculty, staff, and students associated with Government-sponsored projects promptly shall notify the Office of Sponsored Research (non medical) or the Office of Medical Center Sponsored Projects whenever any Invention, Discovery, Technology, or Innovation is conceived or actually reduced to practice in the course of the project. When permitted, if the University decides to seek patent protection for such an Invention, Discovery, Technology, or Innovation in

accordance with this policy, the University will elect to retain title to the Invention, Discovery, Technology, or Innovation and make efforts to achieve practical application of the Invention, Discovery, Technology, or Innovation.

B. Sponsors Other than the U.S. Government

University faculty, staff, and students also conduct research sponsored by corporations, non profit organizations, and others. Such agreements for research sponsorship are entered into through the same procedures used for U.S. Government projects, i.e., through the Office of Sponsored Research (non medical) or through the Office of Medical Center Sponsored Projects. The University normally will not enter into such a sponsored agreement unless:

1. It is explicitly stated what the rights of the sponsors and of the University will be in Inventions, Discoveries, Technologies, or Innovations that result from the sponsored work. It is expected that the University will retain title to all such Inventions, Discoveries, Technologies, and Innovations, and to any resulting patents. The University normally will grant the sponsor an option to obtain an exclusive or nonexclusive license to such Inventions, Discoveries, Technologies, Innovations, and patents, in exchange for appropriate consideration which may include the payment of patent expenses and royalties, provided that the University is entitled to practice the patent and to permit other non profit organizations to practice the patent for *research* purposes.
2. The sponsor agrees that its rights in any Inventions, Discoveries, Technologies, or Innovations are subject to any rights the U.S. Government might have by virtue of its sponsorship of related research.

V. Disclosure of Inventions to the University

In order to provide maximum benefit to the University community and to assure the University's compliance with obligations to sponsors of research, all faculty, staff, and students have the responsibility for promptly disclosing fully and openly to the Associate Vice President for Research and Graduate Studies (non medical) or to the Director of the Medical Center Office of Research all Inventions, Discoveries, Technologies, and Innovations as required by research agreements or where there is prospect for commercialization in which the University has an interest. Principal Investigators of research projects, as well as department chairs and deans, have a responsibility to insure that all such Inventions, Discoveries, Technologies, and Innovations of which they become aware are disclosed to the appropriate individual named above.

The University will make no claim to Inventions, Discoveries, Technologies, and Innovations unrelated to the individual's scope of duties with the University. Inventions, Discoveries, Technologies, and Innovations made by University faculty, staff, or students

which occur under the scope of their duties with the University, i.e., the area or areas of expertise in which an individual is considered qualified to teach or do research by his/her Department, and includes the application of this expertise in any field within or outside the individual's discipline, and accomplished on University time, or with direct University funding, or the use of University facilities, are subject to this Policy on Patents and Scholarly Works. Faculty, staff, and students have the responsibility to disclose all Inventions, Discoveries, Technologies, and Innovations, as required by research agreements or where there is prospect for commercialization in which the University has an interest, that are made within the scope of their duties to the Associate Vice President for Research and Graduate Studies (non medical) or to the Director of the Medical Center Office of Research. When required, the Patent and Scholarly Works Review Panel shall assist the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research to determine whether the disclosure falls within the individual's scope of duties.

Failure to disclose an Invention, Discovery, Technology, or Innovation may result in the forfeiture of the individual's rights under this policy. Such cases will be reviewed by the Patent and Scholarly Works Review Panel, and additional sanctions consistent with other faculty, staff, or student policies may be recommended to the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research.

VI. Evaluation of Inventions

After preliminary evaluation of a disclosure by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research, and determination that the subject matter is in fact an Invention, Discovery, Technology, or Innovation subject to this Policy on Patents and Scholarly Works, the University must initiate one of the following actions within 30 days:

1. Submit the Invention, Discovery, Technology, or Innovation to Research Corporation Technologies for evaluation and possible commercialization under the Disclosure, Evaluation, and Commercialization of Inventions agreement between the University and Research Corporation Technologies (See Patent Agreement above).
2. Bring the disclosure before the Patent and Scholarly Works Review Panel for further evaluation as to a recommendation for a possible patent application, both domestic and/or foreign, being undertaken by the University.
3. If rights in the Invention, Discovery, Technology, or Innovation are subject to the terms of an agreement with a sponsor, comply with the terms of the agreement.

4. Assign title to the Invention, Discovery, Technology, or Innovation to the faculty member, staff member, or student.

VII. Rights in Inventions, Discoveries, Technologies, and Innovations

A. Scholarly Works

All rights in scholarly books, articles and other publications, artistic creations, literary manuscripts, visual and auditory creations, and musical works, irrespective of their medium of storage or presentation, are granted to the faculty, staff, and students who are the authors, and need not be disclosed. The former items are meant to include computer programs, computer software, and databases that are accessory to or part of a scholarly text. Computer programs that are written for the primary purpose of educational learning and testing are excluded from classification as Inventions, Discoveries, Technologies, and Innovations. [See also The George Washington University Copyright Policy date 10/11/90]

B. Inventions, Discoveries, Technologies, and Innovations

Once the University has evaluated an Invention, Discovery, Technology, or Innovation, in order to carry out a decision made in accordance with Section VI of the Policy on Patents and Scholarly Works, the University may require the faculty member, staff member, or student to assign to the University or to a third party all rights, title, and interest in the Invention, Discovery, Technology, or Innovation.

Faculty, staff, and students are required to execute all contracts, assignments, waivers, patent applications, and other documents necessary to carry out the provisions of this policy in a timely manner.

If the University permits a faculty member, staff member, or student to retain title to an Invention, Discovery, Technology, or Innovation, the University shall receive a nonexclusive, irrevocable, paid-up license to practice the Invention, Discovery, Technology, or Innovation, or to have it practiced for the University's own non-income producing purposes, and to permit other nonprofit organizations to practice the Invention, Discovery, Technology, or Innovation for *research* purposes.

C. Employee Inventions

The Policy on Patents and Scholarly Works does not apply to Inventions, Discoveries, Technologies, or Innovations that are created as a specific requirement of University employment or as an assigned University duty outside sponsored projects or related activities. All rights in these works are owned by the University with no right or interest vesting in the inventor.

VIII. Patenting of Inventions, Discoveries, Technologies, and Innovations

If the University determines to seek patent protection for an Invention, Discovery, Technology, or Innovation in one or more countries, the faculty members, staff members, or students making the Invention, Discovery, Technology, or Innovation shall assist the University in preparing and prosecuting patent applications. The University will give due regard to its faculty, staff, and student inventors in making decisions with respect to patents on their inventions and keep its faculty, staff, and student inventors informed of the decisions the University makes. The University will provide appropriate support as necessary.

If the University decides to abandon a patent application, it first shall offer to assign the Invention, Discovery, Technology, or Innovation back to the faculty, staff, or student inventor, subject to the provisions of Section VII of the Policy on Patents and Scholarly Works and to any rights of the sponsor of the research leading to the Invention, Discovery, Technology, or Innovation.

IX. Distribution of Royalties

When an Invention, Discovery, Technology, or Innovation is submitted to Research Corporation Technologies, or its successor, or a similar entity, the University shall distribute to the inventor (or the inventors collectively) any proceeds received in connection with that entity accepting the Invention, Discovery, Technology, or Innovation for filing of patent applications.

When income is received by the University either from Research Corporation Technologies through commercialization of an assigned Invention, Discovery, Technology, or Innovation or from a University-owned Invention, Discovery, Technology, or Innovation, all expenses directly attributable to patenting, marketing, licensing, protecting, or administering the Invention, Discovery, Technology, or Innovation shall first be deducted from such income. The income remaining after these deductions constitutes "net income." Net income shall be allocated as follows:

Net Income Distribution

	Inventor(s)	Inventor's Department	Inventor's School	Research Office*
First \$100,000/yr	50%	20%	10%	20%
Above \$100,000/yr	40%	20%	15%	25%

* Associate Vice President for Research and Graduate Studies (non medical) or Director of the Medical Center Office of Research -- to be used for the purpose of promoting research in the University

When the Invention, Discovery, Technology, or Innovation is the result of the joint efforts of two or more University faculty, staff, or students, they shall use good faith efforts to agree upon the allocation between them of the royalties that would be payable to a single inventor pursuant to this Policy on Patents and Scholarly Works. In the event that an agreement cannot be reached between the inventors, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research shall determine an equitable distribution of the royalties, based on a recommendation formulated by the Patent and Scholarly Works Review Panel.

X. Invention Rights under Consulting Agreements

Members of the faculty and staff may agree to assign to third parties for whom they consult the rights in Inventions, Discoveries, Technologies, or Innovations made in the performance of consulting services, provided that such an agreement is consistent with previous obligations under an agreement for sponsored research, the rights of the University as described in this Policy on Patents and Scholarly Works, or any other rights or obligations described herein. Prior to entering into any such agreements, members of the faculty shall notify in writing the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Research Office for review and approval of the provisions concerning the assignment of inventions and also of provisions concerning inventions assigned to third parties pursuant to such agreements.

Absent such an agreement, rights in inventions made in the performance of consulting services will belong to the faculty member, unless an invention made in the performance of consulting services also constitutes an Invention, Discovery, Technology, or Innovation subject to this patent policy. Should guidance be required in this determination, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research shall be the deciding official in consultation with and review by the Patent and Scholarly Works Review Panel.

XI. Other Inventions

Faculty, staff, and students may assign Inventions, Discoveries, Technologies, or Innovations made on their own time, with their own facilities and materials, and unrelated to their scope of duties, to the University or to Research Corporation Technologies for administration on behalf of the University. If a faculty member, staff member, or student does so, the University will evaluate the invention pursuant to Section VI of the Policy on Patents and Scholarly Works and then take whatever steps the University deems appropriate. There can be no assurance that the University will seek patent protection for an Invention, Discovery, Technology, or Innovation so assigned. In the event the University does seek patent protection, the sharing of costs and revenues shall be established on an ad hoc basis in negotiation between the inventor and the University prior

to seeking the patent. Such cases shall be guided by recommendations from the Patent and Scholarly Works Review Panel to the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research.

Persons who are not faculty, staff, or students of the University may approach the University with Inventions, Discoveries, Technologies, or Innovations needing further development before their advantages can be fully realized. Where such inventions fit into the research program of the University and where University personnel, with administrative approval, choose to pursue such further development, they may be assigned to the University or to Research Corporation Technologies pursuant to an agreement to be negotiated between the University and the inventor.

XII. Supplemental Patent Agreements

All faculty, staff, and students who may be expected to conduct research of any kind are bound by the terms of this Policy on Patents and Scholarly Works and should familiarize themselves with its content. Those faculty, staff, and students who conduct sponsored research of any kind shall be required, as a condition of employment or association with the University, to acknowledge that they are bound by the terms of this Policy on Patents and Scholarly Works by signing a University supplemental patent agreement in a form determined by the University's Associate Vice President for Research and Graduate Studies.

Any individual with emeritus faculty standing is considered to be subject to the conditions of this patent policy as long as that individual is actively associated with the University through a sponsored research project or is extensively using University facilities. Emeritus faculty, working on their own or with limited resources from the University, will not be subject to this policy unless they so choose to be covered. Should there be question as to the amount of resources being used, a determination shall be made by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research after consultation with and review by the Patent and Scholarly Works Review Panel.

Any individual, whose Invention, Discovery, Technology, or Invention is granted a patent through GW, and who subsequently leaves the University, is still subject to the conditions of this Policy on Patents and Scholarly Works with respect to said patent.

XIII. Disputes

Disputes on patent matters, including the interpretation of this Policy on Patents and Scholarly Works, shall be referred to the Patent and Scholarly Works Review Panel for review and recommendation. Based on the Panel's recommendation, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the

Medical Center Office of Research shall make a ruling on the dispute. Any appeal of a ruling by either official will be heard by the Vice President for Academic Affairs who will make a recommendation to the President for his final ruling.

XIV. Periodic Review

At least once every four years, the Patent and Scholarly Works Review Panel shall review the provisions of this policy and propose to the Advisory Council on Research changes that will maintain a Policy on Patents and Scholarly Works that serves the best interests of the University, faculty, staff, and students.

XV. Changes

Any subsequent changes to this Policy on Patents and Scholarly Works must be approved by the Faculty Senate and recommended to the Board of Trustees for its approval.

XVI. Implementation

The Office of the Associate Vice President for Research and Graduate Studies is responsible for the implementation of this Policy on Patents and Scholarly Works. It is expected that this Office will undertake to promote the development and use of inventions and discoveries by holding periodic information sessions for faculty and staff on the patent process. In addition to these sessions, it is expected that materials will be distributed University-wide that keep the faculty fully informed as to the number of patents sought and obtained along with other technology transfer successes. Generally, the Office of the Associate Vice President for Research and Graduate Studies is responsible for creating a pro-active environment for faculty interested in the invention and discovery process.

ACKNOWLEDGMENT

The current form of this policy comes from the study of similar policies at other universities. In particular, the content of this policy was guided by the findings in the report prepared by the Patent Review Committee of Vanderbilt University, January 1993, Second Revised Edition. Specifically, two or three sections of this policy parallel closely those in the "Proposed Policy on Technology and Literary and Artistic Works" of Vanderbilt University.

**A RESOLUTION ON THE ROLE OF THE FACULTY IN THE ADDITION,
REVISION, OR ELIMINATION OF CURRICULAR OFFERINGS (95/10)**

WHEREAS, The Faculty Code (Section IX.p.15, and particularly Section D. p.23) stipulates that "The regular, active-status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings."; and

WHEREAS, The George Washington Institute of Biomedical Sciences, developed as a joint program in the Medical Center and the Columbian School by an administratively appointed committee and chartered on March 4, 1996, encompasses sweeping changes in graduate education in the biomedical sciences and endorses curricular change planned by an ADMINISTRATIVELY APPOINTED curriculum committee and will be proposed for implementation ~~implemented~~ in the Fall of 1996; NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE
WASHINGTON UNIVERSITY**

THAT the Faculty Senate reaffirms the Faculty Code provisions for broad and active participation of elected faculty in the creation and dissolution of curricula and recommends that the curriculum proposal be returned to the affected departments and programs for a vote by the regular, active-status faculty of those departments and programs before being sent to the curriculum committee of Columbian School. ~~a moratorium be placed on ALL changes planned for Ph.D. graduate education in the biomedical sciences until due process guaranteed by the Faculty Code has been followed, including the establishment of a FACULTY-ELECTED CURRICULUM COMMITTEE.~~

**April 4, 1996
Executive Committee of the Faculty Senate**

Adopted, as amended, April 12, 1996

A RESOLUTION OF APPRECIATION (95/11)

WHEREAS, Joseph Pelzman has earned the admiration and esteem of the University community; and

WHEREAS, his present term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

In recognition of guidance devoted to his students and wisdom shared with his colleagues at The George Washington University during sixteen years of service as Associate Professor and Professor of Economics and International Affairs; and

In recognition of his tireless dedication to shared governance in the University community and his careful evaluation, patient counsel, and eloquent logic in the resolution of complex issues that arise in the academic community; and

Especially in recognition of his three years of dedicated service to the faculty while on the Faculty Senate, including two years as Chair of the Fiscal Planning and Budgeting Committee, and three years of service on the Executive Committee, including one year as Chair of the Executive Committee;

THE FACULTY SENATE

OF

THE GEORGE WASHINGTON UNIVERSITY

CITES

PROFESSOR JOSEPH PELZMAN

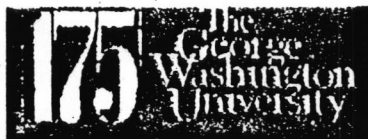
FOR

DISTINGUISHED SERVICE



April 12, 1996
Adopted by acclamation
April 12, 1996

Stephen Trachtenberg
Stephen Joel Trachtenberg
President



175TH ANNIVERSARY 1821-1996

OFFICE OF THE VICE PRESIDENT AND TREASURER

April 10, 1996

MEMORANDUM

TO: Joseph Pelzman

FROM: Louis H. Katz

SUBJECT: Child Care Center Update

At the last meeting of the Faculty Senate, there was a request for an update about the progress toward the establishment of a child care center. This memorandum is intended to respond to that inquiry.

As you know, a great deal of effort has been expended by members of the University community toward the establishment of a child care center. For some time, the Benefits Review Committee has discussed the various options for assisting our employees in obtaining child care. There has been a desire to supplement the consulting services of Carol Ann Rudolph with a center close to campus to which members of the community could send their children. The ASPP Committee of the Faculty Senate has shared that goal and contributed its efforts as well. More recently, a policy committee comprised of faculty and staff was created as an outgrowth of the ASPP Committee of the Faculty Senate. The committee developed policy recommendations associated with the center that would govern issues such as eligibility, priority and pricing. The recommendations of the policy committee were endorsed by the senior administration of the University, including the Deans, Vice Presidents and President. It is anticipated that representatives of the faculty and staff will have an ongoing role in the project.

Let me summarize our progress:

Location: The lease for ground floor space at 2033 K Street, NW has been signed. The George Washington University will be leasing two other floors in this building for placement of administrative personnel.

Operations: The University is contracting with Bright Horizons Children's Centers to operate the center. Bright Horizons is the nation's leading work-site child care provider and manages a network of 120 individually-tailored child development centers in 25 states. Locally, the firm manages many of the GSA and other government centers.

Joseph Pelzman
April 10, 1996
Page 2

Nationally its clients are corporations, medical centers and educational institutions. The center will, of course, comply with all applicable District of Columbia statutes and regulations and will be designed to meet the high standards set forth by the National Association for the Education of Young Children (NAEYC). The center will be open from 7:00 a.m. to 6:00 p.m., Monday through Friday.

Design: The University has retained the architectural firm of Spector, Knapp and Baughman to design the center. This firm designed "Just Us Kids" for the US Department of Justice, a high-quality center located in an office building in the District of Columbia. We are presently in the design development phase and expect construction to begin over the summer.

Administration: Contract Administration for the child care center will be handled through Auxiliary and Institutional Services of the Office of Business Affairs. In addition, a Policy Board will be developed to resolve policy issues which may arise over time such as center size, tuition and eligibility. This Board will include representation from the Faculty Senate, the Parent Advisory Board and the Offices of the General Counsel, the Vice President & Treasurer, Vice President for Administrative and Information Services, and Vice President for Academic Affairs.

Parent Communication: Effective parent communication has been shown to be critical in the success of a child care center. The creation of a Parent Advisory Board will be one facet of a parent communication plan that will be developed by Bright Horizons Children's Centers in an effort to foster open communications between parents and center staff.

Center Opening: It is anticipated that the center will open in the Fall of 1996. More information will be forthcoming over the next month regarding the target opening and registration information.

Center Enrollment: The current plan for the center accommodates approximately 60 to 65 children from infant through age 6 (pre-kindergarten). The children of all GW employees and full-time GW students will be eligible for enrollment, although there will be priorities within categories of GW employees/students. For example, the priority will favor full-time over part-time faculty and staff and "regular" full- and part-time employees over temporary employees. The center, to the extent possible, will accommodate the needs of part-time enrollments. If space remains after the University employees have been accommodated, the center will be opened to non-University employees. Drop-in care will also be provided on a space available basis.

Joseph Pelzman
April 10, 1996
Page 3

Tuition Rates: Tuition for the center has not yet been finalized, however, tuitions will be based on a fixed schedule at rates similar to those found at government centers in Washington, DC. Within the pricing structure there will be two tiers of pricing -- a "GW Rate" for benefits eligible employees and full-time students and a higher "Non-GW Rate" for others. It is anticipated that a scholarship program will be established through fund-raising efforts. Rates for the drop-in care will be established based upon the rate structure currently in place for the existing Emergency Child Care program.

Please let me know if there are additional questions.

c: Stephen Joel Trachtenberg
Walter M. Bortz
Susan B. Kaplan
Jody F. Winter

April 12, 1996

Park, 4th Oral Report on Search to Faculty Senate

1. **Since the last report.** At the time of the last report, the Advisory Committee had closed the pool of candidates and sent a report to the President identifying a pool of seven outstanding candidates. The President responded by directing the Committee to coordinate on-campus interviews for two members of that pool, Dr. Joseph Cooper, until recently the Provost of Johns Hopkins University, and Dr. Linda Salamon, Interim Vice President of our university. As of early next week, those two rounds of on-campus interviews will have been completed.

2. **The Format for the On-campus Interviews.** The President asked the Advisory Committee to give the two candidates a very broad access to various academic constituencies and to give these diverse academic constituencies representative participation in the campus interviews. At each meeting those attending were provided the resume of the candidate, a list of the desired characteristics that had guided the search, and a list of Advisory Committee members with their e-mail, telephone, campus addresses and fax numbers to facilitate the reporting of comments and suggestions. The President had designated the Advisory Committee to serve as a coordinating group for collecting and reporting to him the reactions of the campus.

The result of the interview schedule was a series of meetings that included:

Deans

Directors of Research Centers and Institutes

University Librarian

Senior members of the Vice President for Academic Affairs staff

Chairs of departments

Faculty at Large (including Faculty Senate members and invitations to a matching number of junior faculty selected by their deans).

Lunches with Medical, Law and representative graduate faculties and/or Dean's Council or equivalent.

Breakfast with student leaders.

Lunch with the Faculty Senate Executive Committee

A meeting with the chair of the Board of Trustees.

In addition, the candidates met with the Vice Presidents and University Counsel, as part of the interview orientation or otherwise.

In addition, the Advisory Committee continued its background inquiries on the home campus of each candidate and on campuses where the candidate had previously served. The Advisory Committee requested the help of people on campus who had contacts with other campuses, including the AAUP, to make certain that a full report could be made to the President and that no surprises would later emerge.

3. **The Next Phase.** The various members of the faculty and staff who had met with the candidates, and others who might have had knowledge, opinions or recommendations for the

President or Advisory Committee, were asked to submit their comments to one or another of the committee members. The Committee met last week to share and discuss comments on Dr. Cooper. It will meet next week to share and discuss comments on Vice President Salamon.

In preparing its report to the President, the Advisory Committee will do two things. 1) It will summarize campus and off-campus comments on each candidate, without attribution. This portion of the report will be descriptive, not evaluative. 2) The Advisory Committee will offer the President its best counsel on the search process, and its impressions of the candidates as compared with the President's charge to the Committee. It will not recommend one candidate over the other, for it was instructed to submit the candidates unranked. The President's charge to the committee was to identify and present to him the very best candidates that it could identify. The Committee believes that both candidates in consideration at this time are outstanding.

The End.



175TH ANNIVERSARY 1821-1996

THE PRESIDENT

April 12, 1996

To: Joe Pelzman
John Boswell

Fr: Stephen Joel Trachtenberg

I can tell from the exciting blue memorandum which came to me only the other day, dated March 8, that a couple of issues kicking around in the Faculty Senate Executive Committee have taken on a life of their own. I hate to get in the way of what could turn out to be an interesting debate on university governance, but I feel obliged to point out that I don't think we've got enough substantive disputation at hand to justify all the fuss that appears underway. There seem to be two issues touched upon in the report. The first has to do with faculty participation in action concerning curriculum. The second has to do with a school within a school.

Let me try to give you my take on these two issues and see if perhaps we can avoid banging on each other for no compensation or purpose. Having read the recent flurry of documents having to do with "faculty participation in action concerning curriculum," it seems to me that everybody's in agreement. That is to say there seems to be nobody making the case that a consequential curriculum change can (or should) be made without appropriate participation by the faculty on whom it is going to impact pursuant to a process articulated in the Faculty Code. So what's the fuss? The fuss seems to be that Dean Caress appointed a committee to consider and possibly propose some changes in the Biomedical Sciences curriculum. He has not implemented any changes and if I've got it right, he does not plan to implement any changes without a vote by the impacted faculty who would either approve the proposed changes, or amend the proposed changes, or reject the proposed changes. The question does not seem to be a matter of whether or not the Faculty Code process requirement will be implemented, but rather when.

If I am wrong about this, then I am happy to be corrected. But if I'm right, then it seems to me it's premature for the Senate to act, since this may be a self-resolving matter, internal to the Columbian School. It strikes me that before the Senate has reason to give alarm there would have to be some actual evidence that something had actually transpired, or perhaps was imminent, that violated the Code. Since I don't think it is a violation of the Code for a Dean to ask a group of faculty to counsel him about how one might

Joe Pelzman and John Boswell

April 12, 1996

Page 2

improve the curriculum in their discipline, I am not sure what cause of action is alleged. My sense is, subject obviously to your wisdom, that Dean Caress, the biomedical faculty and Columbian School ought to be left alone right now to work things out on their own without further kibitzing by either the Faculty Senate or Rice Hall. We might want to ask them to report back to us by some date certain.

As to the "school within a school," I had thought that I had addressed that matter, both in memoranda written to your Senate colleague, Professor Griffith, copies of which are attached to this memo (they were previously shared with Professor Pelzman) and in the responses I made to the Faculty Senate at the last meeting. Indeed the issue was anticipated and dealt with quite explicitly in the text of the resolution passed by the Board of Trustees, which as you know, reads, "that nothing in this [resolution] represents a change in the status of any kind with respect to the standing of this unit within the Columbian School of Arts and Sciences or to its relationship with the faculty or administration thereof..." Obviously the department involved, the school involved, and the Trustees, in redesignating the National Center for Communication Studies as the School of Media and Public Affairs (a school within a school) under the jurisdiction of the Columbian School and its Dean and within the body of its faculty, could not have been more precise as to what it was doing. What it was not doing was creating a new school as defined by the Faculty Code.

It is said by some that the effort of the School of Media and Public Affairs to use the name "school" triggers the Faculty Code, whether it wishes to or not, simply by the use of the word "school" in the name, since the Faculty Code says that the creation of any school obliges the prior blessing from the Senate and that to neglect this process is to challenge the notion of shared governance. From my perspective, the matter is quite opposite. That is to say, it seems to me that a successful effort was made to honor shared governance, which explains, I think, the actual language in the resolution by the Board of Trustees. As I read through the materials presented, I discern a quarrel of substance versus prerogative. It seems to me that if we have an issue of semantics, we ought fix the semantics, but not argue that the semantics represent a reality, which in fact they do not.

The famous legal philosopher, H.L.A. Hart, wrote in his book, The Concept of Law, as follows:

Joe Pelzman and John Boswell

April 12, 1996

Page 3

In all fields of experience, not only that of rules, there is a limit, inherent in the nature of language, to the guidance which general language can provide. There will indeed be plain cases constantly recurring in similar contexts to which general expressions are clearly applicable ('If anything is a vehicle a motor-car is one') but there will also be cases where it is not clear whether they apply or not. ('Does "vehicle" used here include bicycles, airplanes, roller skates?') The latter are fact-situations, continually thrown up by nature or human invention, which possess only some of the features of the plain cases but others which they lack. Canons of 'interpretation' cannot eliminate, though they can diminish, these uncertainties; for these canons are themselves general rules for the use of language, and make use of general terms which themselves require interpretation. They cannot, any more than other rules, provide for their own interpretation. The plain case, where the general terms seem to need no interpretation and where the recognition of instances seems unproblematic or 'automatic', are only the familiar ones, constantly recurring in similar contexts, where there is general agreement in judgments as to the applicability of the classifying terms.

This permits us to ask when is a school not a School? I believe that a School at GW is a unit that has its own Dean, that reports directly to a Vice President of the University, that has the autonomy and sovereignty contemplated by the Faculty Code, that has been recognized by the Board of Trustees as such. In other words, we have a way of knowing when a school is a School and when it is merely a school. So, in the case of the contemplated School of Public Health, the protocols of the Faculty Code were anticipated and pursued. In the case of the School of Media and Public Affairs, they were not. Surely the administration does not whimsically decide that sometimes it will honor the Faculty Code and other times it won't, merely for the fun of it. What has transpired here is a reasonable distinction by the administration between a School and a school. In the School of Public Health case the Code applies and is being pursued. In the School of Media and Public Affairs case, they didn't and they weren't.

Moreover, documentation has been shared with Professor Pelzman that indicates that the model of a school within a school is not an innovation at GW, but exists at other universities. Specific evidence from one of our market basket schools, Boston University, was provided. At that institution

Joe Pelzman and John Boswell

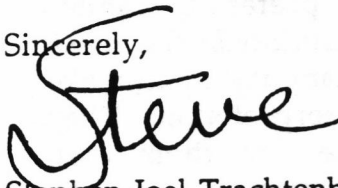
April 12, 1996

Page 4

the School of Public Health is a school within a school. The School of Public Health is subordinate to the School of Medicine. The administration of the Boston University School of Public Health reports to the dean of the Boston University School of Medicine. Obviously in the literature which will describe the GW School of Media and Public Affairs, it will be sound to indicate its relationship to the Columbian School to assist those who are determined to be confused.

I hope that these observations may mitigate and inform our debate this afternoon.

Sincerely,

A handwritten signature in cursive script that reads "Steve".

Stephen Joel Trachtenberg
President

SJT/bf
Enclosures



175TH ANNIVERSARY 1821-1996

THE PRESIDENT

TO: Bill Griffith
FROM: Stephen Joel Trachtenberg
DATE: March 11, 1996

Gertrude Stein said, "A rose is a rose is a rose is a rose." Therefore, one may ask, "Was the George Washington University Law School not a School when we called it The National Law Center?" And, "Is the School of Media and Public Affairs to be distinguished from the National Center for Communication Studies?"

Clearly, one must always get past the appearance to the substance to decide whether or not the Faculty Senate ought to be asked to invest its precious time in a matter. In the case of the School of Public Health initiative, I believe the answer is clearly yes, and that will happen when the right time comes. In the case of the School of Media and Public Affairs, I believe the answer is quite plausibly no, for reasons apparent in the resolution taken to the Board of Trustees which explicitly demonstrates the very limited initiative being undertaken. Perhaps reasonable people could find disputation in this although I'm not sure why they would want to. In any case, nobody who worked on the name-change thought it was a matter within the jurisdiction of the Senate. Even you will agree that some things are arguably outside the reach of the Faculty Code, even as you dispute whether this particular one is.

And, yes, as an independent institution, it seems to me we can call a Unit a School if we wish to. Things like that are surely within our institutional discretion. And, no, they don't seem to me to be misleading. They are largely the application of a highlighter to a program that has professional qualities even as it is housed within a College of Arts and Sciences and that will benefit from the underscoring of nomenclature so that it can compete more vigorously with the opposite numbers at other institutions without surrendering its intellectual center of gravity in the Liberal Arts and Sciences. My feeling is that this is argument without contention. At least I hope so.

Cheers.

SJT/r/c



INTERDEPARTMENTAL MEMORANDUM

March 21, 1996

TO: Stephen Trachtenberg

FM: Bill Griffith *Bill*

RE: Your Memo of 3/11/96 on: 'School' of Media and Public Affairs

I agree entirely with the Memorandum to the Faculty Senate of March 11 from Interim Vice President Salamon: Of the "essential characteristics" of an independent school, the program in Media and Public Affairs has "none". The only question at issue, then, is why it should be called a school, since use of that term carries certain implications, including the consultation with the Faculty Senate you so belittle.

Since your response is to claim it is within your "discretion" to call it a school anyway, then, wishing (as always) to be helpful, I offer the following as a way to keep this from being misleading: in all the many instances in the Faculty Code, the Faculty Handbook, the Bulletin, etc., where one refers to a 'school', we should just insert a small asterisk to a footnote where we explain: "The term 'school' designates an academic unit having the usual characteristics of a school, except where the President has, for competitive purposes, designated a program a school without its meeting those criteria".

Inclusion of this asterisk in public announcements will prevent such misunderstandings as the Faculty Senate being misled into thinking the Administration has created a school when it has not. It will also prevent the faculty of the School* from developing its own procedures of governance, or demanding an elected seat in the Faculty Senate. It may even prevent litigation from faculty members denied tenure, who might argue they should have been reviewed only by an "in-School" APT committee, a privilege provided real schools in the Faculty Code.

In answer to Gertrude Stein's line, I offer the following, from Lewis Carroll's Through the Looking Glass, as to what this dispute is really about:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean -- neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master -- that's all."

Cheers.



175TH ANNIVERSARY 1821-1996

THE PRESIDENT

TO: Bill Griffith
FROM: Stephen Joel Trachtenberg
DATE: March 25, 1996

If I live to be a hundred and twenty, I will never completely understand why you seem to need to personalize every modest professional disputation.

The Faculty Senate absolutely has an appropriate role in the University, and I turn to it when that role arises and its time will not be wasted. So, for example, as I pointed out in my earlier memo, where we contemplate creating an independent School of Public Health, we are moving along consultatively, dotting i's, crossing i's, touching bases, and making sure that there is no constituency that is interested in the outcome and has standing which can be critical about a lack of consultation. It seems to me that in so doing we are fully honoring the Faculty Senate's role in this particular enterprise. Should a School of Public Health come to pass, it will no doubt seek to elect representatives to the Faculty Senate and participate as a full School with full standing within the University. There is a difference between one model (the School of Public Health) and another model (the School of Media and Public Affairs), and they deserve to be addressed in different ways.

I know that people trained as lawyers--and, I've always heard, people trained as philosophers--devote a lot of their time learning how to make distinctions, so it baffles me why you resist that which appears to be a natural consequence of your calling. Surely it's possible for us to use words at different times in different contexts in different ways. And it's equally possible for a complex institution like ours to create a School within a School that, because of the way it's been crafted, does not in the slightest seek representation of its own in the Senate. Indeed, quite the contrary. The "implications" of the word are surely in the eye of the beholder. And why do you develop scenarios which anticipate litigation and all sorts of other horrors?

I grant you that you write an amusing memorandum, and the Lewis Carroll quote is a clever retort to my Gertrude Stein line. But after all is said and done, why do I have the feeling that I'm being seduced into an argument not only that I do not want but that isn't there? The distinction really seems so nonconfrontational, so nondisputatious, and so nonchallenging to me that I'm puzzled about all the excitement you've generated.

Bill, I'm always torn between holding you at arm's length or taking you into my confidence. The fact of the matter is that it's important for higher education to recognize the dramatic changes that are clearly emerging and, regardless of present or past success, to organize ourselves in ways that more effectively meet the needs of our stakeholders. I'm certain that's what we're doing in the two cases at hand, and I'm flummoxed by your procedural anxieties.

Cheers to you.

SJT/rc



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It is a pleasure to have you here today.

The first part of the program will be a presentation by the speaker on the topic of "The Role of the Teacher in the Classroom". This will be followed by a discussion of the various methods and techniques used in the classroom. The second part of the program will be a demonstration of the various methods and techniques used in the classroom. This will be followed by a discussion of the various methods and techniques used in the classroom.

The third part of the program will be a presentation by the speaker on the topic of "The Role of the Teacher in the Classroom". This will be followed by a discussion of the various methods and techniques used in the classroom. The fourth part of the program will be a demonstration of the various methods and techniques used in the classroom. This will be followed by a discussion of the various methods and techniques used in the classroom.

The fifth part of the program will be a presentation by the speaker on the topic of "The Role of the Teacher in the Classroom". This will be followed by a discussion of the various methods and techniques used in the classroom. The sixth part of the program will be a demonstration of the various methods and techniques used in the classroom. This will be followed by a discussion of the various methods and techniques used in the classroom.

The seventh part of the program will be a presentation by the speaker on the topic of "The Role of the Teacher in the Classroom". This will be followed by a discussion of the various methods and techniques used in the classroom. The eighth part of the program will be a demonstration of the various methods and techniques used in the classroom. This will be followed by a discussion of the various methods and techniques used in the classroom.

Thank you very much.

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Faculty Senate Minutes - April 12, 1996

Amendment to Minutes, April 12, 1996

approved by Senate on 5/10/96

On p. 5: INTRODUCTION OF RESOLUTIONS in the first paragraph after "... whichever number was greater."

INSERT

Professor Kahn and others voice their disagreement with the interpretation of the rules of procedure regarding "INTRODUCTION OF RESOLUTIONS. " Parliamentarian Keller stated that he would supply the Senate with a memorandum documenting the basis for his ruling. The issue was rendered moot at this time by vote of the Senate.

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

2. The second part of the report is a detailed description of the study area. It includes information about the location of the study area, the population of the study area, and the characteristics of the study area. It also discusses the data sources used in the study.

3. The third part of the report is a detailed description of the study results. It includes information about the findings of the study, the conclusions drawn from the findings, and the implications of the findings. It also discusses the limitations of the study and the need for further research.

4. The fourth part of the report is a detailed description of the study conclusions. It includes information about the overall findings of the study, the conclusions drawn from the findings, and the implications of the findings. It also discusses the limitations of the study and the need for further research.

5. The fifth part of the report is a detailed description of the study recommendations. It includes information about the recommendations made by the study, the reasons for the recommendations, and the implications of the recommendations. It also discusses the limitations of the study and the need for further research.

ADDENDUM to the Minutes of the April 12, 1996, Faculty Senate Meeting

Remarks by Interim Vice President Linda B. Salamon with reference to the history of the proposed Biomedical Core Curriculum

Because a sense has been given that this is a rush-rush, hurry-hurry project that only happened yesterday, I would like to give a history.

This arose a little over four years ago. Then-Dean Kenny, Acting Dean of Columbian College and Graduate School, asked for program reviews of the basic biomedical science departments. The focus at that time was specifically on the departments, not the interdisciplinary programs. The departmental program in Anatomy, I believe it suspended its own graduate program; many members of the Anatomy department have chosen to participate in the program in Neurosciences. At that time, four years ago, Dean Kenny suspended admissions to Physiology and Pathology, and Microbiology eventually closed admissions themselves. The reason they were suspended was partly very low numbers of graduate applicants, partly a concern for the academic quality of those applicants, partly a concern for the currency of the programs we offer them.

The curriculum revision arose out of a set of self-studies leading up to a program review. (Everybody in Arts and Sciences and, I think, other schools has this experience in which departments are assigned to take a good look at themselves and collectively report back to the Dean's office. Then a committee of colleagues in other disciplines is going to take a look at the self-study and make some recommendations to the Dean.) For the biomedical sciences, this process had been set underway before I became Dean. I gave the departments in question some additional time because they did not appear to take the deadlines seriously. I visited with several departments, as I said I would on invitation, to discuss what was expected of them and what they should produce. At the end of the period of time I, following some encouragement by Dean Caress, eventually received all the self-studies.

At that point I appointed a Program Review Committee, specifically charged to look at the doctoral programs in the basic biomedical sciences. That Committee included members of the medical school faculty, both basic and clinical, and members of the Arts and Sciences faculty with relevant experience: psychologists, chemists, biologists. The Review Committee was larger than would have happened with a predictable review because we are talking, as I have said, about not just one department,

ADDENDUM to the Minutes of the April 12, 1996, Faculty Senate Meeting

but a group of them, although focusing only on their Ph.D. programs, not their M.D. instruction or other responsibilities.

Because the review was broad based, I also asked some external members of the biomedical sciences community to come and advise us. We wanted to make certain that we were acting appropriately on the national scene. I think most of you know this is a difficult time for all kinds of research. The basic biomedical sciences are slightly more blessed than people who do not have the NIH as patrons, but still this is a tight time. We want to ensure that we are putting out into the market scientists who are extremely well-equipped to succeed.

This group of folks, then, included our own colleagues and some external representatives. I asked the Senior Vice President for Science of the Howard Hughes Medical Institute (which is the largest sponsor of health research aside from the federal government), and the provost of the University of Virginia who had before that been the director of the Biological Laboratory at Woods Hole. I also asked a member of the Johns Hopkins faculty who had previously taught here, sort of an insider/outsider. They spent a year reviewing all the material of the self-studies, plus admissions data, financial support, etc. They toured facilities at the medical school. They informed themselves thoroughly of what these programs were all about. And the result is that, not quite two years ago, a proposal has emerged that, among other things, recommends a common, integrated core of studies over the first 18 months or so of a biomedical student's doctoral preparation.

It is the result of a thorough examination of the most important topics, and the best texts, in modern life sciences. The curriculum task group has spent a year and a half now on this proposal. There was a moratorium, requested by the Biochemistry department, of weeks that turned into months following the change in Medical Center leadership. Work resumed last fall. To my certain knowledge, various forms of this draft--initially a broad outline, then greater detail--have been submitted to the faculty now three times. Every single time, comments have been received; I personally know that major modifications followed each circulation of a draft. Every draft has been readily available. There may be individual teachers who have not found it in their personal mailbox; that's possible, but that's a result of chairs or directors failing to circulate their copies to colleagues. For the most part, the opportunity for detailed comment was constant; I believe written comment

For a full and complete understanding of the situation, it is necessary to consider the following factors:

1. The first factor to be considered is the economic situation of the country. The economy is in a state of depression, and the government is unable to meet its financial obligations. This has led to a loss of confidence in the government and a general feeling of despair among the people.

2. The second factor is the political situation. The government is corrupt and inefficient, and the people are tired of its misrule. There is a widespread feeling of dissatisfaction with the government, and many people are calling for a change in leadership. This has led to a loss of support for the government and a general feeling of hopelessness among the people.

3. The third factor is the social situation. The population is growing rapidly, and there is a shortage of food and shelter. This has led to a general feeling of poverty and despair among the people. Many people are living in slums, and there is a high rate of unemployment. This has led to a loss of confidence in the government and a general feeling of hopelessness among the people.

ADDENDUM to the Minutes of the April 12, 1996, Faculty Senate Meeting

is the best way to offer reflective, analytic comments and positive suggestions.

It's true we are at the final stage of the process right now, yet comments are still being made. Refinements will certainly continue to be made throughout the first year of offering. There is a positive impact to constant review and fine tuning as responses emerge. At the end of the first year, when people look back and see what's happened, we will surely see mid-course correction, essential to any curriculum that is broadly conceived and focused on a science that is itself changing monthly. It will evolve, no doubt, but the curriculum task group has made a strong start on which there is widespread agreement.

REPORT OF THE EXECUTIVE COMMITTEE
April 12, 1996
PROFESSOR JOSEPH PELZMAN, CHAIR

I. GRIEVANCES

A new grievance from the School of Engineering and Applied Science has been received by the Executive Committee. The Executive Committee at its March 29th meeting appointed Professor Rodica Simion as Special Mediator in this case.

II. ANNOUNCEMENTS

There will be a joint meeting of the old and new Executive Committees on Thursday, April 25th, during which several items will be discussed. Professor Riegelman, Assistant Dean for Public Health Programs, will discuss the School of Public Health and Health Sciences. We will also discuss a Special Report originated in the Appointment, Salary and Promotion Policies Committee on changes in the list of schools that currently compose GW's "market basket." Vice President Katz will present a financial status report. It is expected that Vice President Douglas Gale will present a report on telecommunications and the program for revitalizing networks on this campus at the May 10th Senate meeting.

Again, the next meeting of the Executive Committee is Thursday, April 25th. Reports or resolutions for the May Senate meeting should be received by the Executive Committee before that date.

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

The Faculty Senate

April 1, 1996

The Faculty Senate will meet on Friday, April 12, 1996, at 2:10 p.m., in the Elliott Room, University Club, 3rd Floor, Marvin Center.

AGENDA

1. Call to order
2. IN MEMORIAM Roderic H. Davison, Professor Emeritus of European History (by Professor Peter P. Hill)
3. Approval of the minutes of the regular meeting of March 8, 1996

4. Old Business:

A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8); (reconsideration and further discussion deferred to April 12, 1996); Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair, Joint Committee of Faculty and Students (Resolution 95/8 attached)

5. Resolutions:

A RESOLUTION ON THE POLICY ON PATENTS AND SCHOLARLY WORKS (95/9) with accompanying Policy; Professor Muhammad I. Haque, Chair, Research Committee (Resolution 95/9 and Policy attached)

6. Introduction of Resolutions

7. Interim Report on the Progress of the Child Care Center by Susan Kaplan, Associate Vice President for Human Resources

8. General Business:

- (a) Nomination for election of the following nominees to the Executive Committee for the 1996-97 Session proposed by the Nominating Committee, Professor Lawrence E. Mitchell, Chair: Professor John G. Boswell, (GSEHD), as Chair; Professors Hugh L. Agnew

(continued)

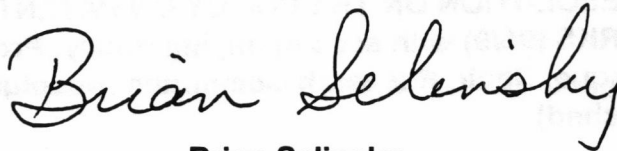
8. General Business (cont'd)

(ESIA), Mary Diane Brewer (CCAS), Walter K. Kahn (SEAS), Frank J. Slaby (SMHS), Lewis D. Solomon (GWLS), and Philip W. Wirtz (SBPM), as the other six members

- (b) Nomination for election of five faculty members and Chair to the Dispute Resolution Committee (nominations to be made)
- (c) Nomination for appointment by the President to various Administrative Committees (nominations to be made)
- (d) Report of the Executive Committee: Professor Joseph Pelzman, Chair
- (e) Annual Reports of the Senate Standing Committees (due by or before May Senate meeting)

9. Brief Statements (and Questions)

10. Adjournment

A handwritten signature in cursive script that reads "Brian Selinsky". The signature is written in dark ink and is positioned above the printed name and title.

Brian Selinsky
Secretary

[Any inquiries about this resolution should be directed to Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair of the Joint Committee of Faculty and Students, Ext. 4-6345/4-7100.]

A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8)

WHEREAS, there is currently a proposal for revisions to the Code of Student Conduct being put forward by the Office of the Dean of Students; and

WHEREAS, these revisions have been designed for the purpose of improving the Code of Student Conduct by addressing deficiencies arising from the subsequent passage of the Drug Free Schools and Communities Act, and the Student Rights to Know Act; and

WHEREAS, the proposed revisions will clarify several points of procedure in the hearing process by making them less legalistic, thereby further enabling hearing bodies to hold students accountable for determined destructive behavior; and

WHEREAS, the Joint Committee of Faculty and Students and Student Association have already endorsed the attached proposal for revisions to the Code of Student Conduct; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approves the proposed revisions and urges the President of the University and Board of Trustees to approve them as well.

**Joint Committee of Faculty and Students
January 26, 1996**

Referred back, March 8, 1996, by the Faculty Senate to the Joint Committee of Faculty and Students for further review and to be brought back to the Faculty Senate at its April meeting.

[Any inquiries about this resolution should be directed to Professor Muhammad I. Haque, Chair, Research Committee, Ext. 4-4964.]

**A RESOLUTION ON THE POLICY ON PATENTS AND SCHOLARLY
WORKS (95/9)**

WHEREAS, The University's existing Patent Policy has been in place for over forty years without revision; and

WHEREAS, A new Policy on Patents and Scholarly Works is needed as stated in the Strategic Plan for Research (1994-95); and

WHEREAS, A Policy on Patents and Scholarly Works that serves the faculty in a productive way is an overall incentive to enhance technology transfer activities at the University; and

WHEREAS, The proposed Policy on Patents and Scholarly works was unanimously recommended for implementation at the annual joint meeting of the Senate Committee on Research and the Advisory Council on Research; and

WHEREAS, The new Policy on Patents and Scholarly Works provides the framework and guidelines for the faculty and the Associate Vice-President for Research and Graduate Studies to pursue extramural research funds in those instances where technology transfer is involved; therefore

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE
WASHINGTON UNIVERSITY**

That the Faculty Senate endorse this Policy on Patents and Scholarly Works and recommend its implementation by the University Administration.

Research Committee
February 21, 1996

Policy on Patents and Scholarly Works of The George Washington University

I. Purpose

The University seeks to serve the needs of society in the course of pursuing the traditional principles of education and research, as well as patient care. It has dedicated itself and all its resources to the pursuit and dissemination of knowledge. It does not pursue knowledge for primarily commercial purposes. However, the University recognizes that the interest of the inventor(s) and that of the University are better served when inventions and discoveries made by University faculty, staff, or students are developed to the point of practical application. The University's Policy on Patents and Scholarly Works is intended to facilitate that objective.

The University's purposes of pursuing and disseminating knowledge are sometimes served by seeking patent protection for inventions and discoveries made in the course of work by University faculty, staff, and students. Patents confer certain exclusive rights to inventions and discoveries while simultaneously making those inventions and discoveries known to the public. Many inventions and discoveries are of more beneficial use when protected by the exclusive rights granted in a patent. Consistent with the public interest, the University will take steps to promote the development and use of its faculty's, staff's, and students' inventions and discoveries. When the University receives royalties from patents, it will use those royalties in support of its mission of education and research and to provide appropriate incentives for inventorship.

The University's Policy on Patents and Scholarly Works applies to all faculty, staff, and students of the University. While it imposes certain obligations on faculty, staff, and students who conduct research, the purpose of this document is to adopt an inventor-friendly process in dealing with patents and scholarly works.

II. Definitions

For the purposes of this policy concerning patents and scholarly works, certain terms have meanings as indicated below:

"Faculty" means all those individuals receiving a letter of faculty appointment from the Vice President for Academic Affairs, with associated compensation from the University, whether of full-time, research, continuing part-time where on-campus research activity is involved, visiting, or other status.

"Staff" means all those individuals receiving letters of appointment to either graded or ungraded positions, whether full-time, regular part-time, visiting, or other status, receiving compensation from the University.

"Students" means all those individuals associated with the University who are in active student status as defined by formal registration, whether full-time or part-time; whether or not holding a fellowship, a teaching assistantship, a research assistantship, or equivalent award, and whether or not receiving salary, wages, or a stipend. This term also applies to those individuals who have petitioned for and received a leave of absence for a specific period of time.

"Inventions", "Discoveries", "Technologies", and "Innovations" are terms that are meant to cover tangible or intangible inventions, including any process, machine, manufacture, composition of matter, or improvement thereof, which is or may be patentable, whether or not reduced to practice. These terms also are meant to cover tangible research and development results whether or not patentable. Such results include, for example, computer programs, circuit designs of all types, data bases, technical and design drawings, biogenic materials, novel varieties of plants, chemically synthesized molecular systems, and other creations.

These terms apply to the faculty, staff, and students of The George Washington University in the performance of their scope of duties for the University or for a sponsored research project accomplished on University time, or with direct University funding, or the use of University facilities. The scope of duties includes the area or areas of expertise in which an individual is considered qualified to teach or do research by his/her Department, and includes the application of this expertise in any field within or outside the individual's discipline.

"Patent Agreement" means the original Patent Agreement made 16 August 1954 between The George Washington University and Research Corporation. A new agreement, For Disclosure, Evaluation, and Commercialization of Inventions, dated 11 July 1995, between The George Washington University and Research Corporation Technologies, Inc., subsumes and extinguishes the original patent agreement. Copies of these agreements and this document can be obtained from the Office of Sponsored Research or the Office of Medical Center Sponsored Projects.

III. University Organization

A. Office of Sponsored Research/Office of Medical Center Sponsored Projects

The Associate Vice President for Research and Graduate Studies in consultation with The Office of Sponsored Research (non medical) and the Director of the Medical Center Office of Research in consultation with the Office of Medical Center Sponsored Projects are the University officials responsible for patent matters, including negotiation of agreements with sponsors of research and with licensees of University owned patents. These officials administer the Policy on Patents and Scholarly Works and ensure

compliance with agreements with sponsors, and coordinate on such activities for joint endeavors that involve both components, i.e., non medical and medical.

The Office of Sponsored Research (non medical) and the Office of Medical Center Sponsored Projects are available to advise faculty, staff, and students on patent questions, particularly as they relate to specific disclosures.

B. Patent and Scholarly Works Review Panel: Policy and Procedure with regard to Patents and Scholarly Works.

All responsibility for establishing policy and procedures to implement the Policy on Patents and Scholarly Works resides with the Associate Vice President for Research and Graduate Studies, who chairs the Advisory Council on Research. The latter Council serves as the Associate Vice President's consultative body on these matters. A subcommittee of the Advisory Council on Research will be appointed for each calendar year by the Associate Vice President for Research and Graduate Studies. This subcommittee will be called the Patent and Scholarly Works Review Panel. The Panel, chaired by the Associate Vice President for Research and Graduate Studies, shall have membership composed of one representative from each School of the University along with the directors of the Office of Sponsored Research and the Office of Medical Center Sponsored Projects. In addition, one of the two members of the Advisory Council on Research from the Senate Committee on Research shall be appointed to the Panel. When necessary, for consultative purposes and to obtain expert advice, the Panel may convene an ad hoc subpanel, composed of members internal or external to the University who are not members of the Panel.

IV. Relations with Sponsors of Research

Through the Offices of Sponsored Research (non medical) and Medical Center Sponsored Projects, the University enters into agreements with third parties to sponsor research conducted by University faculty, staff, and students. Such agreements for sponsored research may contain provisions allocating the parties' rights in any Inventions or Discoveries made under the agreement. The University will not enter into such an agreement if its provisions differ in any way from University policy unless the deviating provisions are deemed acceptable in writing by the faculty member or staff member who will be the principal investigator for the project.

Sponsored research agreements impose many requirements, not just ones related to patents, and University faculty, staff, and students should familiarize themselves with any of these requirements that relate to their work. Before work begins on a project covered by a sponsored research agreement, the principal investigator must advise his/her colleagues working on the project of their rights and duties under the agreement. Usually, this is best done by providing each individual involved with copies of the applicable sections of the document.

Sponsored research agreements are entered into only after it is determined that they meet certain basic criteria. It is expected that the following criteria will be applied unless there is documented reason for an exception that is approved by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research:

1. The sponsored research is consistent with and supportive of the University's purposes of education and research, as well as patient care, and the University's overriding aim of pursuing and disseminating new knowledge.
2. The sponsored research does not involve the commitment of so many personnel or other resources that it creates an inappropriate balance of activities within the relevant University school, department, or laboratory. These determinations are to be made by the appropriate signatories, e.g., Department Chair, Dean, Associate Vice President for Research and Graduate Studies, Vice President for Academic Affairs, Director of the Medical Center Office of Research, or Vice President for Medical Affairs, on the standard routing sheets for approval of sponsored research proposal within the University (both non medical and medical).
3. Faculty, staff, and students are permitted to publish the results of their research in a timely manner. The University normally will agree to maintain confidentiality of confidential information provided by the sponsor and to withhold publication for up to 60 days after disclosure to the sponsor in order to accommodate the filing of a domestic or foreign patent application covering the subject matter of the publication.

A. The U.S. Government

Many University faculty, staff, and students receive financial support for their research from the U.S. Government. The ownership of Inventions, Discoveries, Technologies, or Innovations made by University faculty, staff, or students with Government financial support is determined by Federal law, including the Bayh-Dole Act (35 U.S.C. §§ 200-212) and the regulations at 37 C.F.R. Pt. 401.

The University has a duty promptly to disclose to the Government all Inventions, Discoveries, Technologies, or Innovations made in the performance of a Government funding agreement, where a funding agreement means prime awards from the Federal government and Federal pass-throughs, i.e., subcontracts at all tiers. Accordingly, as provided in Section V of the Policy on Patents and Scholarly Works, faculty, staff, and students associated with Government-sponsored projects promptly shall notify the Office of Sponsored Research (non medical) or the Office of Medical Center Sponsored Projects whenever any Invention, Discovery, Technology, or Innovation is conceived or actually reduced to practice in the course of the project. When permitted, if the University decides to seek patent protection for such an Invention, Discovery, Technology, or Innovation in

accordance with this policy, the University will elect to retain title to the Invention, Discovery, Technology, or Innovation and make efforts to achieve practical application of the Invention, Discovery, Technology, or Innovation.

B. *Sponsors Other than the U.S. Government*

University faculty, staff, and students also conduct research sponsored by corporations, non profit organizations, and others. Such agreements for research sponsorship are entered into through the same procedures used for U.S. Government projects, i.e., through the Office of Sponsored Research (non medical) or through the Office of Medical Center Sponsored Projects. The University normally will not enter into such a sponsored agreement unless:

1. It is explicitly stated what the rights of the sponsors and of the University will be in Inventions, Discoveries, Technologies, or Innovations that result from the sponsored work. It is expected that the University will retain title to all such Inventions, Discoveries, Technologies, and Innovations, and to any resulting patents. The University normally will grant the sponsor an option to obtain an exclusive or nonexclusive license to such Inventions, Discoveries, Technologies, Innovations, and patents, in exchange for appropriate consideration which may include the payment of patent expenses and royalties, provided that the University is entitled to practice the patent and to permit other non profit organizations to practice the patent for *research* purposes.
2. The sponsor agrees that its rights in any Inventions, Discoveries, Technologies, or Innovations are subject to any rights the U.S. Government might have by virtue of its sponsorship of related research.

V. Disclosure of Inventions to the University

In order to provide maximum benefit to the University community and to assure the University's compliance with obligations to sponsors of research, all faculty, staff, and students have the responsibility for promptly disclosing fully and openly to the Associate Vice President for Research and Graduate Studies (non medical) or to the Director of the Medical Center Office of Research all Inventions, Discoveries, Technologies, and Innovations as required by research agreements or where there is prospect for commercialization in which the University has an interest. Principal Investigators of research projects, as well as department chairs and deans, have a responsibility to insure that all such Inventions, Discoveries, Technologies, and Innovations of which they become aware are disclosed to the appropriate individual named above.

The University will make no claim to Inventions, Discoveries, Technologies, and Innovations unrelated to the individual's scope of duties with the University. Inventions, Discoveries, Technologies, and Innovations made by University faculty, staff, or students

which occur under the scope of their duties with the University, i.e., the area or areas of expertise in which an individual is considered qualified to teach or do research by his/her Department, and includes the application of this expertise in any field within or outside the individual's discipline, and accomplished on University time, or with direct University funding, or the use of University facilities, are subject to this Policy on Patents and Scholarly Works. Faculty, staff, and students have the responsibility to disclose all Inventions, Discoveries, Technologies, and Innovations, as required by research agreements or where there is prospect for commercialization in which the University has an interest, that are made within the scope of their duties to the Associate Vice President for Research and Graduate Studies (non medical) or to the Director of the Medical Center Office of Research. When required, the Patent and Scholarly Works Review Panel shall assist the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research to determine whether the disclosure falls within the individual's scope of duties.

Failure to disclose an Invention, Discovery, Technology, or Innovation may result in the forfeiture of the individual's rights under this policy. Such cases will be reviewed by the Patent and Scholarly Works Review Panel, and additional sanctions consistent with other faculty, staff, or student policies may be recommended to the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research.

VI. Evaluation of Inventions

After preliminary evaluation of a disclosure by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research, and determination that the subject matter is in fact an Invention, Discovery, Technology, or Innovation subject to this Policy on Patents and Scholarly Works, the University must initiate one of the following actions within 30 days:

1. Submit the Invention, Discovery, Technology, or Innovation to Research Corporation Technologies for evaluation and possible commercialization under the Disclosure, Evaluation, and Commercialization of Inventions agreement between the University and Research Corporation Technologies (See Patent Agreement above).
2. Bring the disclosure before the Patent and Scholarly Works Review Panel for further evaluation as to a recommendation for a possible patent application, both domestic and/or foreign, being undertaken by the University.
3. If rights in the Invention, Discovery, Technology, or Innovation are subject to the terms of an agreement with a sponsor, comply with the terms of the agreement.

4. Assign title to the Invention, Discovery, Technology, or Innovation to the faculty member, staff member, or student.

VII. Rights in Inventions, Discoveries, Technologies, and Innovations

A. Scholarly Works

All rights in scholarly books, articles and other publications, artistic creations, literary manuscripts, visual and auditory creations, and musical works, irrespective of their medium of storage or presentation, are granted to the faculty, staff, and students who are the authors, and need not be disclosed. The former items are meant to include computer programs, computer software, and databases that are accessory to or part of a scholarly text. Computer programs that are written for the primary purpose of educational learning and testing are excluded from classification as Inventions, Discoveries, Technologies, and Innovations. [See also The George Washington University Copyright Policy date 10/11/90]

B. Inventions, Discoveries, Technologies, and Innovations

Once the University has evaluated an Invention, Discovery, Technology, or Innovation, in order to carry out a decision made in accordance with Section VI of the Policy on Patents and Scholarly Works, the University may require the faculty member, staff member, or student to assign to the University or to a third party all rights, title, and interest in the Invention, Discovery, Technology, or Innovation.

Faculty, staff, and students are required to execute all contracts, assignments, waivers, patent applications, and other documents necessary to carry out the provisions of this policy in a timely manner.

If the University permits a faculty member, staff member, or student to retain title to an Invention, Discovery, Technology, or Innovation, the University shall receive a nonexclusive, irrevocable, paid-up license to practice the Invention, Discovery, Technology, or Innovation, or to have it practiced for the University's own non-income producing purposes, and to permit other nonprofit organizations to practice the Invention, Discovery, Technology, or Innovation for *research* purposes.

C. Employee Inventions

The Policy on Patents and Scholarly Works does not apply to Inventions, Discoveries, Technologies, or Innovations that are created as a specific requirement of University employment or as an assigned University duty outside sponsored projects or related activities. All rights in these works are owned by the University with no right or interest vesting in the inventor.

VIII. Patenting of Inventions, Discoveries, Technologies, and Innovations

If the University determines to seek patent protection for an Invention, Discovery, Technology, or Innovation in one or more countries, the faculty members, staff members, or students making the Invention, Discovery, Technology, or Innovation shall assist the University in preparing and prosecuting patent applications. The University will give due regard to its faculty, staff, and student inventors in making decisions with respect to patents on their inventions and keep its faculty, staff, and student inventors informed of the decisions the University makes. The University will provide appropriate support as necessary.

If the University decides to abandon a patent application, it first shall offer to assign the Invention, Discovery, Technology, or Innovation back to the faculty, staff, or student inventor, subject to the provisions of Section VII of the Policy on Patents and Scholarly Works and to any rights of the sponsor of the research leading to the Invention, Discovery, Technology, or Innovation.

IX. Distribution of Royalties

When an Invention, Discovery, Technology, or Innovation is submitted to Research Corporation Technologies, or its successor, or a similar entity, the University shall distribute to the inventor (or the inventors collectively) any proceeds received in connection with that entity accepting the Invention, Discovery, Technology, or Innovation for filing of patent applications.

When income is received by the University either from Research Corporation Technologies through commercialization of an assigned Invention, Discovery, Technology, or Innovation or from a University-owned Invention, Discovery, Technology, or Innovation, all expenses directly attributable to patenting, marketing, licensing, protecting, or administering the Invention, Discovery, Technology, or Innovation shall first be deducted from such income. The income remaining after these deductions constitutes "net income." Net income shall be allocated as follows:

Net Income Distribution

	Inventor(s)	Inventor's Department	Inventor's School	Research Office*
First \$100,000/yr	50%	20%	10%	20%
Above \$100,000/yr	40%	20%	15%	25%

* Associate Vice President for Research and Graduate Studies (non medical) or Director of the Medical Center Office of Research -- to be used for the purpose of promoting research in the University

When the Invention, Discovery, Technology, or Innovation is the result of the joint efforts of two or more University faculty, staff, or students, they shall use good faith efforts to agree upon the allocation between them of the royalties that would be payable to a single inventor pursuant to this Policy on Patents and Scholarly Works. In the event that an agreement cannot be reached between the inventors, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research shall determine an equitable distribution of the royalties, based on a recommendation formulated by the Patent and Scholarly Works Review Panel.

X. Invention Rights under Consulting Agreements

Members of the faculty and staff may agree to assign to third parties for whom they consult the rights in Inventions, Discoveries, Technologies, or Innovations made in the performance of consulting services, provided that such an agreement is consistent with previous obligations under an agreement for sponsored research, the rights of the University as described in this Policy on Patents and Scholarly Works, or any other rights or obligations described herein. Prior to entering into any such agreements, members of the faculty shall notify in writing the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Research Office for review and approval of the provisions concerning the assignment of inventions and also of provisions concerning inventions assigned to third parties pursuant to such agreements.

Absent such an agreement, rights in inventions made in the performance of consulting services will belong to the faculty member, unless an invention made in the performance of consulting services also constitutes an Invention, Discovery, Technology, or Innovation subject to this patent policy. Should guidance be required in this determination, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research shall be the deciding official in consultation with and review by the Patent and Scholarly Works Review Panel.

XI. Other Inventions

Faculty, staff, and students may assign Inventions, Discoveries, Technologies, or Innovations made on their own time, with their own facilities and materials, and unrelated to their scope of duties, to the University or to Research Corporation Technologies for administration on behalf of the University. If a faculty member, staff member, or student does so, the University will evaluate the invention pursuant to Section VI of the Policy on Patents and Scholarly Works and then take whatever steps the University deems appropriate. There can be no assurance that the University will seek patent protection for an Invention, Discovery, Technology, or Innovation so assigned. In the event the University does seek patent protection, the sharing of costs and revenues shall be established on an ad hoc basis in negotiation between the inventor and the University prior

to seeking the patent. Such cases shall be guided by recommendations from the Patent and Scholarly Works Review Panel to the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research.

Persons who are not faculty, staff, or students of the University may approach the University with Inventions, Discoveries, Technologies, or Innovations needing further development before their advantages can be fully realized. Where such inventions fit into the research program of the University and where University personnel, with administrative approval, choose to pursue such further development, they may be assigned to the University or to Research Corporation Technologies pursuant to an agreement to be negotiated between the University and the inventor.

XII. Supplemental Patent Agreements

All faculty, staff, and students who may be expected to conduct research of any kind are bound by the terms of this Policy on Patents and Scholarly Works and should familiarize themselves with its content. Those faculty, staff, and students who conduct sponsored research of any kind shall be required, as a condition of employment or association with the University, to acknowledge that they are bound by the terms of this Policy on Patents and Scholarly Works by signing a University supplemental patent agreement in a form determined by the University's Associate Vice President for Research and Graduate Studies.

Any individual with emeritus faculty standing is considered to be subject to the conditions of this patent policy as long as that individual is actively associated with the University through a sponsored research project or is extensively using University facilities. Emeritus faculty, working on their own or with limited resources from the University, will not be subject to this policy unless they so choose to be covered. Should there be question as to the amount of resources being used, a determination shall be made by the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the Medical Center Office of Research after consultation with and review by the Patent and Scholarly Works Review Panel.

Any individual, whose Invention, Discovery, Technology, or Invention is granted a patent through GW, and who subsequently leaves the University, is still subject to the conditions of this Policy on Patents and Scholarly Works with respect to said patent.

XIII. Disputes

Disputes on patent matters, including the interpretation of this Policy on Patents and Scholarly Works, shall be referred to the Patent and Scholarly Works Review Panel for review and recommendation. Based on the Panel's recommendation, the Associate Vice President for Research and Graduate Studies (non medical) or the Director of the

Medical Center Office of Research shall make a ruling on the dispute. Any appeal of a ruling by either official will be heard by the Vice President for Academic Affairs who will make a recommendation to the President for his final ruling.

XIV. Periodic Review

At least once every four years, the Patent and Scholarly Works Review Panel shall review the provisions of this policy and propose to the Advisory Council on Research changes that will maintain a Policy on Patents and Scholarly Works that serves the best interests of the University, faculty, staff, and students.

XV. Changes

Any subsequent changes to this Policy on Patents and Scholarly Works must be approved by the Faculty Senate and recommended to the Board of Trustees for its approval.

XVI. Implementation

The Office of the Associate Vice President for Research and Graduate Studies is responsible for the implementation of this Policy on Patents and Scholarly Works. It is expected that this Office will undertake to promote the development and use of inventions and discoveries by holding periodic information sessions for faculty and staff on the patent process. In addition to these sessions, it is expected that materials will be distributed University-wide that keep the faculty fully informed as to the number of patents sought and obtained along with other technology transfer successes. Generally, the Office of the Associate Vice President for Research and Graduate Studies is responsible for creating a pro-active environment for faculty interested in the invention and discovery process.

ACKNOWLEDGMENT

The current form of this policy comes from the study of similar policies at other universities. In particular, the content of this policy was guided by the findings in the report prepared by the Patent Review Committee of Vanderbilt University, January 1993, Second Revised Edition. Specifically, two or three sections of this policy parallel closely those in the "Proposed Policy on Technology and Literary and Artistic Works" of Vanderbilt University.



FACULTY SENATE

MEMORANDUM

April 10, 1996

TO: Faculty Senate Members

**FROM: Joseph Pelzman, Chair
Executive Committee of the Faculty Senate**

Attached is a resolution for which the Executive Committee urges Senate consideration at the April 12th meeting. The latest communication to the Executive Committee from Acting Dean Caress reveals a diversion between his interpretation of the Faculty Code and that of the members of the Executive Committee. The latter feel the Senate needs to confirm the intention and stipulations of the Faculty Code in view of the gravity of the issue raised by the Biomedical Sciences faculty.

Attachment



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**A RESOLUTION ON THE ROLE OF THE FACULTY IN THE ADDITION,
REVISION, OR ELIMINATION OF CURRICULAR OFFERINGS**

WHEREAS, The Faculty Code (Section IX.p.15, and particularly Section D. p.23) stipulates that "The regular, active-status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings."; and

WHEREAS, The George Washington Institute of Biomedical Sciences, developed as a joint program in the Medical Center and the Columbian School by an administratively appointed committee and chartered on March 4, 1996, encompasses sweeping changes in graduate education in the biomedical sciences and endorses curricular change planned by an ADMINISTRATIVELY APPOINTED curriculum committee and will be implemented in the Fall of 1996; NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE
WASHINGTON UNIVERSITY**

THAT the Faculty Senate reaffirms the Faculty Code provisions for broad and active participation of elected faculty in the creation and dissolution of curricula and recommends that a moratorium be placed on ALL changes planned for Ph.D. graduate education in the biomedical sciences until due process guaranteed by the Faculty Code has been followed, including the establishment of a FACULTY-ELECTED CURRICULUM COMMITTEE.

**April 4, 1996
Executive Committee of the Faculty Senate**

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1890

The following is a summary of the work done by the General Land Office during the year 1890. The work has been divided into three main branches: the Survey, the Surveyors, and the Surveyors' Assistants. The Survey branch has been divided into three main divisions: the Survey of the Public Lands, the Survey of the Private Lands, and the Survey of the Indian Lands. The Surveyors branch has been divided into three main divisions: the Surveyors of the Public Lands, the Surveyors of the Private Lands, and the Surveyors of the Indian Lands. The Surveyors' Assistants branch has been divided into three main divisions: the Surveyors' Assistants of the Public Lands, the Surveyors' Assistants of the Private Lands, and the Surveyors' Assistants of the Indian Lands.

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REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1891

The following is a summary of the work done by the General Land Office during the year 1891. The work has been divided into three main branches: the Survey, the Surveyors, and the Surveyors' Assistants. The Survey branch has been divided into three main divisions: the Survey of the Public Lands, the Survey of the Private Lands, and the Survey of the Indian Lands. The Surveyors branch has been divided into three main divisions: the Surveyors of the Public Lands, the Surveyors of the Private Lands, and the Surveyors of the Indian Lands. The Surveyors' Assistants branch has been divided into three main divisions: the Surveyors' Assistants of the Public Lands, the Surveyors' Assistants of the Private Lands, and the Surveyors' Assistants of the Indian Lands.

April 1, 1892
Bureau of Land Management